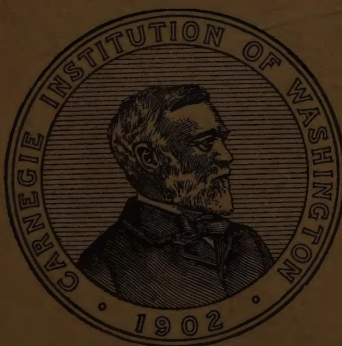


Proceedings and Debates of the British Parliaments respecting North America

EDITED BY
LEO FRANCIS STOCK

VOLUME II

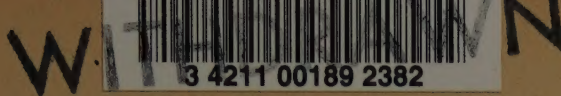
1689-1702



WASHINGTON, D. C.

PUBLISHED BY THE CARNEGIE INSTITUTION OF WASHINGTON

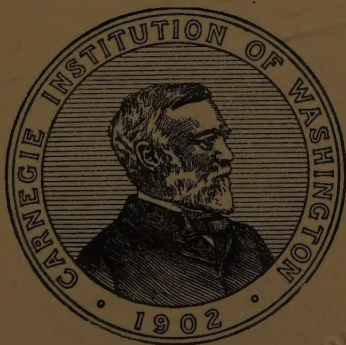
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PAPERS OF THE DEPARTMENT OF HISTORICAL RESEARCH

J. FRANKLIN JAMESON, EDITOR


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PREFACE.

The second volume of this series begins with the reign of William and Mary and ends with the last Parliament of William, which continued in existence through the first four months of the rule of Queen Anne. For this brief span of fourteen years, materials falling within the scope of the work as stated in the preface to volume I. (p. v) are more extensive than for the period of nearly one hundred and fifty years embraced by that volume. This increase is due not only to the prolonged and repeated consideration given by either or both Houses to particular matters, but also to the growing interference of Parliament in colonial affairs, which brought before it a greater variety of overseas questions. Yet if any general conclusion respecting colonial control for this period can be drawn from the record here given, it is that parliamentary influence, as shown by legislation, was restricted to industry and commerce, while matters pertaining to administration remained with the crown.

The constitutional result of the "Glorious Revolution" of 1688 was the limitation of the royal prerogative by the political supremacy of Parliament. This subordination of the executive worked itself out slowly; and so far as it affected the colonies it was not until 1696 that the Board of Commissioners for Trade and Plantations (the Board of Trade), created through the increasing influence of the mercantile interests, took over most of the activities of the committee of the Privy Council which, under the king's control, continued to exercise supervision of colonial affairs. Even then, in the creation of this agency Parliament was not yet able to maintain a commanding position. In January of that year the Commons' committee on the state of the nation respecting trade presented resolutions for the establishment of a council of trade, the members of which were to be nominated by Parliament. A bill was accordingly presented, only to die in committee, and on May 15 the new board was appointed by the king's authority.

Before this, however, Parliament had not been inactive in colonial matters. The close of the Revolution found the American colonies governed in accordance with the policy of the later Stuarts, the essential features of which were their reduction, whenever possible, to the crown; the attempt to combine colonies into one or more provinces, such as the Dominion of New England; and to give them absolute government by royal governors and councillors without the aid of an assembly. The first Parliament of William and Mary had scarcely met when the Commons' committee of grievances reported a resolution for a bill to restore "all bodies politick and corporate", including the colonies of New England, to their

state of May 29, 1660. This bill passed that House but failed in the House of Lords because of early prorogation, after that body had agreed to consider separately the charters of the plantations. The bill was not reintroduced, and Parliament had little or no part in the modified restoration which followed.

In 1701 Parliament again felt that its authority was disregarded when dissatisfaction with the negotiations of the Partition Treaties resulted in an address of protest requesting the king in the future "to impart all affairs, both at home and abroad" to a council of his natural-born subjects.

But the demand for stricter navigation acts and their enforcement and the necessity of defense because of the war with France, which continued throughout the greater part of William's reign, brought the agencies of crown and Parliament together in the common desire to reduce the colonies to imperial control. Frequent violations of the acts of trade made Parliament ready to strengthen the legislative means of enforcement. Unsuccessful efforts were made in 1690 and in the succeeding session to suspend during the war that part of the navigation act which required two-thirds of the crew to be English born. In 1694 and 1695 petitions were presented against the practice of carrying plantations goods to Scotland and Ireland. The committee to whom these were referred reported that this fraudulent trade resulted from shipping vast quantities of tobacco in bulk. The bill to remedy the evil had two readings, but was not committed. Proprietors, especially, were charged with failure to enforce the laws in their colonies. The Commissioners of the Customs, ordered to state "whether as the law now stands, there be sufficient power in Carolina, Maryland, Pensilvania, and other plantations where there are proprietors, to collect the king's duty there", reported on January 3, 1695/6, that, while these colonies were subject to all acts, the trade laws were not so well executed there as in the other provinces. Further interference with England's colonial monopoly came from the establishment by the Scottish Parliament, in 1695, of the Company trading to Africa and the Indies, or the Darien Company. The misfortunes of this enterprise, beyond the immediate and forceful opposition to it in the English Parliament, may be followed in the many items concerning the company to be found in this volume, especially in the proceedings of the Scottish Parliament. It need only be stated in the present connection that existing trading monopolies protested to the English Parliament that the continuance of this company would result in the loss of the colonial trade and render the acts of navigation useless, which considerations were presented in an address of both Houses to the king.

As a result of the parliamentary inquiries concerning infractions of existing laws and the threatened competition of the Scottish company, in 1696 the last of the navigation acts was passed. This act, fashioned

to correct defects in earlier ones, contained in addition several provisions calculated to insure imperial control of the chartered colonies and to check the connivance of proprietary governments in illegal trade. Admiralty courts were created, royal confirmation of governors was required, oaths and security were exacted of governors and their officers for the observance of the trade laws, transfer of lands to aliens without consent of the King in Council was forbidden, and colonial laws in conflict with this and previous navigation acts were declared void.

Notwithstanding these measures abuses continued, and on March 18, 1696/7, the Lords in an address to the king asked that proprietors be compelled to give security that instructions to their deputies would be obeyed. This same address complained of the complicity of governors with pirates. In the act which was eventually passed "for the more effectual suppression of piracy" forfeiture of charter was the penalty provided for failure on the part of governor or deputy to obey the law. At the same time, to insure obedience in this and other matters, an act was passed to try and to punish in England colonial governors for crimes committed in the plantations.

The Board of Trade in its annual reports to Parliament continued to emphasize irregularities in the proprietary and charter governments. The laws above mentioned had not been obeyed, acts repugnant to the laws of England had been passed in some of the colonies, justice in the courts had been denied or delayed, the value of the coin had been raised or lowered to the particular advantage of colonies, some of them continued to manufacture wool and other forbidden articles, and they were negligent in matters of defense and failed to co-operate in this regard with the royal governments. Always it was declared that the only cure for these and other mischiefs would be a law to permit these charters to be surrendered to the crown.

The first of several bills for this purpose was given its first reading by the Lords on April 24, 1701, the same day on which the Board of Trade presented to the House of Commons an itemized bill of complaint against each of the proprietries and charter colonies: Massachusetts Bay for permitting illegal trade, for refusing appeals to the king, and for failing to settle a fixed salary upon the governor; Rhode Island for pretending to be independent of the government of England; Connecticut for refusing the Hallam appeal, the governor declaring that no appeals would be allowed to his Majesty in Council; the Jerseys for their utter confusion; Pennsylvania for harboring pirates, for granting commissions in opposition to the jurisdiction of the admiralty court, and for clandestine trade with Curaçao; Carolina and the Bahamas for protecting pirates, for illegal trade, and for the misbehavior of their governors in other particulars. Opposition to the bill was not long in showing itself. Penn was absent in his colony, but his son asked to be heard; the boast-

ing Ashurst, agent for Connecticut, the Earl of Bath on behalf of the proprietors of Carolina, and Lord Baltimore, now denied his proprietary rights in Maryland, likewise protested. Randolph, who was employed by the Board of Trade to present witnesses and evidence in support of the bill, had been active in promoting the passage of the recent navigation act, and in 1697 had appeared frequently before the committee appointed by the Lords to consider the state of the nation. Then he had questioned Penn's title to the three counties now Delaware and, among his several proposals for suppressing illegal trade in the plantations, had urged stringent measures against the charter colonies.

The second reading of the bill was postponed until May 23, the intervening time being devoted to the hearing of counsel and witnesses, chiefly for and against Penn. Feeling ran high against Randolph, who, threatened with arrest, sought and was granted the protection of the Lords. The bill was committed to a general committee, whose consideration was postponed from time to time until prorogation put an end to further action at this time. Heads of a new bill to be presented at the next session were sent to the Board of Trade, but they were unsatisfactory to that body, and the dissolution of Parliament postponed until 1706 the second attempt to destroy the charters.

This agitation was not without gain to the crown since, in April, 1702, the number of proprietries was reduced by the surrender of the Jerseys. The confusion in the government there, as reported to Parliament, resulted from the failure of Governor Basse to receive the approval of the king or the obedience of a large portion of the people. Andrew Hamilton, his predecessor, whose eligibility had been questioned after the passage of the navigation act of 1696 because he was a Scot, was given a clean bill and recommissioned, after which Basse returned to England to use his influence against the colony and, with Randolph, to work in behalf of the bill to vacate the charters. The title to the colony was otherwise involved in the controversy over the right to a port of entry at Perth Amboy. New York, taking the position that East Jersey had been included in the grant to the Duke of York, required all ships entering the port to pay duties to the former province. The proprietors were supported in their appeal by the Treasury and the Commissioners of the Customs, but the Board of Trade disputed their right to the port and were in 1697 upheld by the Privy Council. In the following year Bellomont, then governor of New York, seized the ship *Hester*, owned by Basse and his brother-in-law, for entering Perth Amboy without first clearing at New York, and had it carried to that city to be condemned and sold. In February, 1699/1700, Basse as well as the proprietors carried their complaints to the House of Commons, but no action was taken. However, in the suit which Basse successfully prosecuted to recover damages for the seizure of his vessel, New Jersey's right to the port was affirmed.

In his petition against Bellomont, Basse accused that governor of rescuing and setting at liberty certain pirates apprehended in New Jersey; nor did Bellomont's relations with Kidd escape investigation by the House of Commons. On January 18, 1697/8, the grant to him of rights in the privateering expedition of Kidd was read and a day set for its consideration, but no further record appears until early in the second session of the next Parliament, when the committee on trade directed that all commissions, papers, and accounts connected with the pirate be laid before the House of Commons. These were presented December 4, 1699. Two days later a debate which lasted from noon until nine at night, good reports of which are herein given, followed the resolution that the grant to Bellomont was dishonorable to the king, against the law of nations, contrary to the laws of the realm, invasive of property, and destructive of trade. The question was lost, 133 to 189. After Kidd's arrest the Commons asked the king that his trial be postponed until the next session, and that Bellomont be directed to transmit all papers in the case. In March, 1700/1, all written evidence was again examined and Kidd himself brought before the bar of the House. Again, by a vote of 185 to 198, a motion was defeated to declare illegal and void the grant to Bellomont. An address was then ordered that Kidd be brought to trial. His execution followed in May. Echoes of the Kidd affair were heard in the Orford and Somers impeachments, begun by the House of Lords that same month.

Bellomont's connection with pirates was but one of thirty-two complaints offered, February 14, 1699/1700, to the committee to whom were referred petitions of merchants hostile to him. He was, among other things, charged with favoring the Leisler faction. The Leisler business consumed much of the time of the last session of William's second Parliament. With the consent of the Privy Council, in March, 1695, Leisler's son and Gouverneur, who had been convicted with Leisler but who escaped execution by fleeing to New England, presented their petition to the Lords. In spite of the opposition of Dudley, who had presided at the trial, an act was passed giving the desired relief.

To mention in detail the affairs of each colony as they came before Parliament during this period would be a useless repetition here of the annotations and of the several reports of the Board of Trade. Matters affecting duties on plantation products, boundaries, appeals from colonial courts, grievances, and controversies with governors were all given consideration. The various reports presented each session contain information and statistics on grants, exports and imports, as well as naval and military items. A few specific references will show the miscellaneous character of other colonial subjects before Parliament.

The practices of kidnapping and of forcibly transporting servants to the plantations led, in 1664, to the creation of an office for registering

contracts of masters and merchants. Bills were ordered in 1690 and in 1701/2 to confirm and strengthen the Orders in Council respecting this office, and especially to prevent servants, after giving consent and receiving money and clothing, from bringing suit for having been illegally sent out of the country. The bills failed to pass, but the committee's report of March 21, 1701/2, gives detailed testimony by merchants of several experiences suffered by them.

In 1698 Dr. Thomas Bray, the philanthropic commissary of the Bishop of London in Maryland, asked the Commons to provide in the bill then pending "for the better discovery of estates given to superstitious uses" that some of the proceeds arising from such confiscation be directed toward establishing schools and divinity libraries in America, but the bill did not pass.

In 1699 the Commons passed a bill to prohibit the exportation of corn, malt, flour, bread, etc. The Lords wished to include the American colonies in the prohibition, but such amendments were not acceptable to the former House because it was feared that the plantations would then raise food-stuffs in place of sugar and cotton, and that the northern prices of these products would become too high for the southern planters, and because corn was necessary for the Newfoundland settlements. The Lords countered with the statement that these commodities were already to be had in New England and Pennsylvania cheaper than from England; but the act was passed excluding the islands and colonies in America, provided the exporter gave security that such goods would not be illegally landed. This same year was passed the woolen act, which forbade, after December 1, 1699, the transportation of colonial woolens from one place to another; also, a bill was rejected, after one reading, to permit judgments and decrees obtained in English courts to be executed in the colonies.

Contact of French Protestants with America is seen in mention of their transportation, made in a report of February 13, 1691/2, and in a protest from them in 1696 against a clause in the pending navigation act which restricted colonial trade to natives of England, Ireland, and the plantations. We learn from a petition of soap-makers, March 19, 1697/8, that candles used in the plantations were supplied mostly from Ireland. More curious is the resolution of March 25, 1699, defeated by two votes, that all women-servants in England and the plantations whose wages did not exceed five pounds a year be obliged to wear felt hats, the disuse of which "among women of inferior quality" was thought to be the cause of the decline of the felt-makers' trade.

Two general colonial problems besides those already mentioned were those of defense and the administration of justice. The war with France created the necessity of strengthening the fortifications of the colonies, of supplying ammunition, of maintaining friendly relations with the In-

dians, and of demanding assistance of the less exposed provinces in behalf of the frontier settlements. Several complaints came from Barbados that the four and one-half per cent. duty, granted by the assembly for repairing and building fortifications and for defraying the expenses of government there, was diverted to other uses. In March, 1702, an address was ordered for causing this fund to be expended for its original purposes. Another phase of this same problem was the irregularity in the sailings of convoys, which, it was frequently stated, obstructed trade and resulted in great losses to the nation. Many reasons were advanced for the lack of sufficient protection in this regard. Commanders were accused of demanding fees for escorting merchantmen; one of the former, Captain Churchill of the *Pendennis*, a member of the House of Commons, was sent to the Tower for this practice. In accordance with an address of the Commons in December, 1690, an embargo was placed upon all ships excepting those carrying ammunition and provisions to the plantations. Petitions of planters and traders at once asked for the removal of this decree. It was sought to remedy the situation by allowing ships to sail with foreign seamen, but the Lords failed to concur in the bill which passed the Commons. During debate on the subject of convoys, in November, 1692, it was charged that brewers' clerks and men condemned for cowardice had been made commanders of convoy vessels by the Admiralty. In 1695-1696 the matter was again investigated by the House of Lords, but after the establishment of the Board of Trade in the latter year this correspondence with the Admiralty was conducted by that body.

Complaints of delays and illegal proceedings in colonial courts, as noted in the reports of the Board of Trade, April 24, 1701, and February 5, 1701/2, were general. In Virginia, members of the council held themselves exempt from prosecutions for debt; the governor of Maryland was instructed to remedy illegal practices in that province; Bellomont's absence and the want of properly qualified officers retarded justice in New York; in New Hampshire the dispute between the lieutenant governor and the council, and the refusal of the higher courts to admit the Allen appeal were causes of complaint; although there was no settled colony in Newfoundland, irregularities were practised by masters of fishing vessels; the Massachusetts courts protected illegal trade, refused appeals, and failed to recognize the full authority of the laws of England; Rhode Island claimed complete independence of England and her laws; Connecticut's refusal to admit appeals to England was emphasized in the Hallam case; legal authority was weakened in the Jerseys because of divided allegiance to the pretended governor; Pennsylvania opposed the jurisdiction of the admiralty courts; and in Carolina the *Cole and Bean* case was cited to show the unjust proceedings of the admiralty court in refusing to allow an appeal. While most of these matters were in some form before Parliament or its committees, it was the situation in the West Indies, especially

Barbados, which received more attention. In Bermuda the irregularities of Governor Day resulted in his recall. In Jamaica the habit of impressment and the quarrel between the governor and council were causes of complaint. Urged by the Board of Trade, the Admiralty gave directions to remedy the former evil, but on the latter controversy, the details of which were presented in the petition of Hugh Totterdale, whom Governor Beeston designated "the great Botefeau in the Assembly", the Commons failed to act. The administration of justice in the Leeward Islands was hindered by the judges of the lower courts being also members of the council to whom appeals from the former came. It was found necessary to remove Governor Norton of St. Kitts; while Codrington, chief governor of the islands, was also charged, by William Freeman, with illegal proceedings in connection with suits concerning titles in Nevis and St. Kitts. On February 19, 1701/2, Freeman appealed to the House of Commons for relief, but, although all papers bearing upon the governor's conduct were presented to the House, no redress was given. John Loder, Isaac Hawkins, and Thomas Hodges were the chief complainants against the courts of Barbados. When the Board of Trade suspended judgment until the governor could reply, in 1701 and again in 1702, their charges were carried to the House of Commons. The committee to whom these petitions were referred made on May 6, 1702, a full report, embodying all testimony submitted, and concluded that Hodges had not made good his charges and that his petition was "vexatious and scandalous".

The affairs of the several trading companies, besides the Darien Company already mentioned, were always before Parliament. Beginning with 1690, nearly every session witnessed the Royal African Company's effort to have bills passed for the confirmation of its charter and the benefit of its trade. Protests against these bills from planters in America and traders at home were numerous. The opposition questioned the legality of the company's monopoly, and complained that it hindered trade, raised the price and curtailed the supply of negroes, thus impoverishing the colonies by discouraging the planting of tobacco and ruining the sugar industry. Virginia and Maryland planters, referring to the scarcity of labor, stated that "one negro will make as much tobacco in a year as must pay 30 or 40 *l.* custom in England". After years of effort, a modified bill was passed in 1698 which allowed independent trading for thirteen years upon payment of specified charges to the company. This act forbade colonial governors and judges to act in the disposal of negroes.

In 1690 a bill was passed, confirming for seven years the charter of the Hudson's Bay Company, but not without much opposition: from the felt-makers on the ground that the monopoly would ruin the Russian trade and their business; from merchants whose vessels had been seized by the company; from New York and New England merchants who

feared that their hopes of again reducing Canada to the obedience of the crown would be thwarted by the passage of the bill. To protect the first-named petitioners a clause was inserted in the act providing for at least two public sales of beaver each year, and forbidding any intervening private sales at a lower cost than that obtained at the last auction. The following year the felt-makers objected that the company had not obeyed the law in this regard. Upon the report of the committee appointed by the Commons to examine the charges, a bill was ordered to enforce this regulation by imposing a penalty, and also to prohibit the exportation of coney-wool and hares-wool unless the price of these should be under seven shillings per pound. This bill did not proceed beyond its first reading. Early in the following session the same complaint was made, with the same result. In 1698, when the act confirming the charter was expiring, a bill was ordered for its continuance. Again the felt-makers, as well as the skinners of London, and merchants trading to New England and New York, offered their objections to its passage; while Radisson, whose early voyages had led to the organization of the company, sought to have his promised pension made secure by a clause in the act. The company presented a carefully prepared paper in answer to the nine objections offered against the bill, which, after some consideration by the general committee to whom it had been recommitted, failed to reach its third reading. In the meantime the treaty of Ryswick had confirmed the right of France to much of the company's territory.

An act had been passed in 1673 permitting, until March 25, 1683, whale-fishing in Greenland under provisions more liberal than those exacted by the navigation acts. Individual operations in those waters not proving profitable, no attempt was made to have that law continued. A petition, offered January 10, 1692/3, stated that not a single ship had gone from England to Greenland since 1683, in consequence of which the Dutch had been enriched by the cost of whalebone, which had advanced from £60 to £400 a ton, and of oil. Incorporation of a joint-stock company was asked, with the sole privilege of trading in that region. An act was accordingly passed to continue for fourteen years. Interference with the company's business and the scarcity of sailors because of the war with France caused an act to be passed in 1696 which extended the time of payment of the unpaid balance of subscribed stock, and granted exemption of duties on oil, fins, and blubber. In 1698, when a bill was pending to place on whale-fins a duty of 6 *d.* to equalize reductions on other articles, the company succeeded in having this amount reduced one-half in its favor. It was also successful in securing exemption of the 12 *d.* levied upon all whale imports by the Newfoundland act of the following year. These favors the shippers from colonial waters thought unfair, and upon their petition to this effect, April 18, 1699, the committee on the bill concerning duties on sweets, wines, brandy, leather, etc., was instructed

to receive a clause that fins taken in the seas of the American plantations should pay no more duty than those imported by the Greenland Company. In 1702, by 1 Ann. c. 10, apparently without protest of the company, the Greenland fishery was made free to all.

The loss of the Newfoundland trade by reason of French conquests in 1696 stirred the merchants, in numerous petitions to the Commons that year, to urge its recapture. The committee to whom these were referred, on January 29 following, gave a detailed account of that trade, the loss of which was attributed to the lack of convoys. An address was then ordered that efforts be made to regain the lost stations. In the expedition under Sir John Norris, which was sent the following year, was Captain Charles Desborough, commander of the *Mary Galley*, whose petition in May, 1698, for a share in a captured prize, began a controversy in Parliament which was not settled until three years later. When the French appeared off St. John's the English in a council-of-war decided not to attack, since it was thought it was the main squadron of the enemy in the bay. Desborough, sent out to investigate, was later dismissed from his command for breach of orders and neglect of duty. This session adjourned without determination of his case, but in the next session he renewed his complaint that he had been unjustly dismissed. In the extended hearings which followed, charges involving Norris were made. Upon the report, presented April 17, 1699, an address was ordered asking for Desborough's reinstatement and the suspension of Norris. In 1701 the case was reopened by the latter, when the House of Lords, over the protest of twelve of their number, addressed the king in his behalf. One act was passed concerning Newfoundland, that in 1699 for encouraging trade, which, without imposing penalties, attempted to regulate fishing-rights and customs.

The Scottish Parliament for this period was busy with the affairs of the Darien Company. Every phase of the opposition to the company, as well as the latter's untiring efforts to receive royal approbation and to maintain its settlement of Caledonia, are here recorded. The limits of this volume do not show the end of this enterprise, the failure of which hastened the union of the crowns.

The proceedings of the Irish Parliament bear only indirectly upon American affairs and are insignificant. The provisions of an act passed in England concerning the reversion of estates through the death of persons beyond seas, holding life interests, were applied to Ireland; the supply bills increased the duty upon tobacco and taxed the baronets of Nova Scotia residing in Ireland; and the coopers of Dublin asked for the importation of staves from Virginia and elsewhere.

In publishing the proceedings of the Parliaments of England for a period in which few reports of debates are known to exist, it is inevitable that the *Journals* of both Houses should be more extensively used than

any other source. Other printed materials drawn upon for this volume are the *Collections* of the New York Historical Society, the *New York Colonial Documents*, the *Manuscripts of the House of Lords*, Grey's *Debates in the House of Commons*, Cobbett's *Parliamentary History*, and *Letters Illustrative of the Reign of William III. from 1696 to 1708*, edited by G. P. R. James (London, 1841). The heretofore unprinted matter to be found in this section of the book consists of several petitions from the Manuscripts of the House of Lords; accounts of the Hudson's Bay Company controversy of 1698, taken from the Memorial Book of that company; and the report, covering nineteen pages, of the debate of December 6, 1699, concerning pirates and Bellomont's relations with Kidd, from the Hardwicke Papers in the New York Public Library.

Pertinent references to proceedings in the Parliaments of Scotland are reprinted from the *Acts* of that body. Other parliamentary matter relating to the Darien Company was found in *A Full and Exact Collection of All the Considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters, and other Publick Papers, relating to the Company of Scotland Trading to Africa and the Indies*. . . . (1700). Mention was made in the preface to volume I. (p. xvi) of the reports of parliamentary debates transmitted home by the French ambassador in London, which are preserved in the Archives des Affaires Étrangères at Paris. The first of the many transcripts of these, secured for our purpose, is printed in connection with the consideration of the business of the Darien Company, January 13, 14, 1701.

For Ireland, the *Journals* of the Parliament are the sole source used for this period.

In addition to the acknowledgments to institutions and individuals made in the previous volume, the editor wishes to thank Miss Ruth A. Fisher for searches and transcripts made in London; Miss Marguerite M. McKee, of the Carnegie Institution of Washington, for aid in preparing the manuscript for the press; and Mr. David M. Matteson, of Cambridge, Mass., whose excellent index to volume I. is continued for this volume.

LEO FRANCIS STOCK.

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PROCEEDINGS AND DEBATES OF THE BRITISH PARLIAMENTS RESPECTING NORTH AMERICA.

PARLIAMENTS OF ENGLAND.

WILLIAM AND MARY: FIRST PARLIAMENT.

Session of February 13, 1688/9–October 21, 1689 (1 Gul. et Mar.).

1688/9.

Feb. 28, HC. A petition of the planters, and others, concerned in their Majesties sugar plantations in America, was read.

Ordered, that the said petition do lie on the table.¹ (*C. J.*, X. 37.)

Mar. 11, HC. A motion was made, that the petition of the planters, and others, concerned in their Majesties sugar plantations in America, presented to this House the twenty-eighth of February last, and then ordered to lie upon the table, be now read; that the same might be referred to the consideration of the committee of the whole House; who are to take into consideration his Majesty's speech, and particularly the revenue;

The question was put, that the said petition be now read:

And it was resolved in the negative. . . . (*Ibid.*, p. 45.)

Mar. 16, HC. Sir Joseph Tredenham reports, from the grand committee of grievances, that the committee had come to a resolution, which they had directed him to report to the House, with the first opportunity: the which he read in his place; and afterwards delivered the same in at the clerk's table: where the same being read, is as followeth:

Resolved, that it is the opinion of this committee, that the House be moved, that a bill or bills be brought in to restore all bodies politick and corporate, in the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, and the dominions and territories thereunto belonging, to the state and condition they were in on the twenty-ninth day of May 1660; and to confirm the liberties and franchises, which, at that time, they respectively held and enjoyed.

An amendment was proposed to be made, by adding, after the word "belonging", these words, "and New England, and other plantations".

Resolved, that those words be added to the said resolve.

¹ The opposition to the impost of 1685 continued and was successful in having the sugar duties discontinued on their expiration in 1693. Beer, *Old Colonial System*, pt. I., vol. I., pp. 162-167, especially the references there given to *Cal. St. P. Col.*, 1685-1688.

Resolved, that this House doth agree with the committee in the said resolve, so amended: and accordingly doth order, that a bill, or bills, be brought in to restore all bodies politick and corporate, in the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, and the dominions and territories thereunto belonging, and New England, and other the plantations, to the state and condition they were in on the twenty-ninth day of May 1660; and to confirm the liberties and franchises, which, at that time, they respectively held and enjoyed.² (*C. J.*, X. 51.)

*Mar. 20, HC. Sir Henry Capel:*³ You are pretty near a question. The establishment of the government is agreed on all hands: there remains nothing but provision for the ordnance, army, and fleet. Though in peace you'll allow for a summer-guard, and in winter for the safety of trade: the plantations, Indies (and they had more men of war there than we here) these are to be considered, in time of peace, as part of the government in peace. . . . (*Grey, Debates of the House of Commons*, IX. 178; *Cobbett*, V. 191.)

1689.

Apr. 3, HC. A petition of the planters, and others, concerned in their Majesties sugar plantations; complaining of great hardships the plantations lie under, by reason of the new impositions upon sugars; and praying relief, in taking off the same; was read.

Resolved, that the matters of the said petition be taken into consideration, when the revenue shall come under the consideration of the House. (*C. J.*, X. 77.)

Apr. 4, HC. The House, according to the order of yesterday, resolved itself into a committee of the whole House, to take into consideration the state of this kingdom, and of Ireland. . . .

Resolved, that this House doth agree with the committee, that a tax, by a poll bill, be given to his Majesty, towards the reducing of Ireland. . . .

Mr. Hamden reports from the committee of the whole House, that they, having taken into consideration the matters aforesaid, had agreed upon twenty-three heads, of which the poll bill shall consist: which he read in his place; and afterwards delivered the same in at the clerk's table: where the same being read, are as followeth

20. That all members of the Guiney Company, for their share in the joint stock of the said company, shall be taxed in the said bill. . . .

² A bill in accordance with this resolution was introduced but did not pass until the next session, and then it failed in the Lords; *post*, pp. 8, 15, 16. As first considered, the 13th section of the Declaration of Right proposed to secure cities, universities, towns corporate, boroughs, and plantations against *quo warrantos*, surrenders, and mandates; and to restore them to their ancient rights (*C. J.*, X. 17, 22). This clause, for some reason, was not embodied in the final form of the declaration. For general accounts of the English Revolution in America, see Channing, *History of the United States*, II. 189 *et seq.*; C. M. Andrews, *Colonial Self-Government* (*American Nation series*, V.), pp. 273 *et seq.*; E. B. Greene, *Provincial America* (*id.*, VI.), chapters I-VII.

³ In committee of the whole to consider the revenue. It was voted to settle £1,200,000 upon their Majesties, for the charge of supporting the crown in time of peace. *C. J.*, X. 55-56.

Resolved, that Mr. Attorney General,⁴ and Mr. Solicitor General,⁵ do prepare the said bill, upon the heads before mentioned; and present the same to the House with all convenient speed.⁶ (*Ibid.*, pp. 78-79.)

Apr. 5, HC. Mr. Papillion reports from the committee, to whom it was referred to consider what sum may be necessary to allow, by the year, for the charge of a summer and winter guard at sea He also delivered in an account of the number of ships of war, and other vessels, necessary for a summer and winter guard at sea, in time of peace; with their several stations, quality of ships, and number of men: which were also read at the table; and is as followeth:⁷

An account of the number of ships of war, and other vessels, necessary for a summer and winter guard at sea, in time of peace: with their several stations, quality of ships, and number of men;

Stations	Fourth rate	Fifth rate	Sixth rate	Number of ships	Number of men
Newfound-land	2			2	400
Jamaica	1	1		2	305
Barbadoes	1			1	200
Leeward Islands		1		1	105
New England		1		1	105
Virginia		1	1	2	180

. . . . (*Ibid.*, p. 80.)

Apr. 16, HC. A petition of divers planters of Virginia and Maryland, in behalf of themselves and all the planters there, complaining of the burden laid upon tobacco by the new impost, by the act of Parliament in the first year of King James the Second; and that thereby most of the planters are impoverished; was read.

Resolved, that the petition do lie upon the table; to be considered, when the publick revenue comes under the consideration of the House. (*Ibid.*, p. 89.)

Apr. 19, HC. Mr. Hamden jun. reports, from the committee appointed to prepare an address,⁸ upon the debate, to represent to his Majesty, that,

⁴ Sir Henry Pollexfen, to May 4, 1689.

⁵ Sir George Treby.

⁶ This was passed as an act for raising money by a poll and otherwise towards the reducing of Ireland (1 Gul. et Mar. c. 13; *Statutes of the Realm*, VI. 63). By section 9, members of the Guinea Co. and of the Hudson's Bay Co. were assessed 40 s. for every £100 of capital stock, the payments to be deducted from the next dividend. The bill was read Apr. 13; committed Apr. 15; considered Apr. 17, 18, 20; reported Apr. 22; the amendments considered Apr. 23; and passed Apr. 26 (*C. J.*, X. 86, 88, 91, 92, 96, 98, 99-100, 105). The Lords read it on the same day, and passed it on the day following; it received the royal assent May 1. *L. J.*, XIV. 193, 194, 199.

⁷ The House agreed with the committee that, for the charge of these ships, including ordnance, there should be made a monthly allowance of £4 per man. *C. J.*, X. 80.

⁸ Apr. 16 (*ibid.*, pp. 90-91). William undertook to unite the various enemies of France into a grand alliance. When completed, the coalition included the Empire, Spain, England, and the United Provinces. Eight years of war followed, ending with the treaty of Ryswick, Sept. 30, 1697. The breach between England and France soon brought their subjects in America into the conflict (Greene, *Provincial America*, ch. VIII.). This address was recommitted and reported, on Apr. 24, in a much abbreviated form, the specific charges against France being omitted. *C. J.*, X. 101.

if he shall think fit to enter into a war against France, the House will give him all such assistance, in a parliamentary way, as shall enable him to support and go through the same, that the committee had agreed upon an address accordingly; which they had directed him to report to the House: and he read the same in his place; and afterwards delivered the same in at the clerk's table: where the same being read, is as followeth:

We, your Majesty's most loyal subjects, the Commons of England, in Parliament assembled, having taken into our most serious consideration, the condition and state of this nation, in respect of France, and foreign alliances, in order to which we have examined the mischiefs brought upon Christendom, in late years, by the French king; who, without any respect to justice, has, by fraud and force, endeavoured to subject it to an arbitrary and universal monarchy

In the same confidence of this power, they violently seized upon part of Hudson's Bay; and when the matter was complained of by the company, and the injury offered to be proved, the best expedient France could find to cover their injustice, and prevent satisfaction, was, to make use of their great interest in the court of England, to keep it from ever coming to be heard. . . .⁹ (*C. J.*, X. 93-95.)

Apr. 26, HC. A petition of merchants and traders to Virginia, from the port of Bristol; complaining of the burden and hardship they lie under, by the impost of three-pence per pound, in the year 1685, laid on tobacco imported; and praying to be eased from the same; was read.

Ordered, that the petition do lie upon the table, to be considered, when the matter of the revenue shall come under the consideration of the House. (*Ibid.*, p. 104.)

Apr. 30, HC. A bill for restoring corporations was read the first time.

Resolved, that the bill be read a second time upon Thursday next.¹⁰ (*Ibid.*, p. 112.)

May 2, HC. A bill for restoring corporations was read the second time.

Resolved, that the bill be committed to Mr. Sacheverell, Lord Digby, Mr. Papillion, Sir Rob. Nappier, Mr. Paul Foley, Sir John Guise, Mr. Christy, Sir Rich. Hart, Sir Jos. Tredenham, Mr. Bickerstaffe, Mr.

⁹ In 1685-1686, the Chevalier de Troyes, with about 80 men, subdued Moose Factory, Fort Rupert, and Albany, the three English forts that held the key to the Hudson Bay country (George Bryce, *The Remarkable History of the Hudson's Bay Company*, pp. 50-52; Beckles Willson, *The Great Company*, 1900, I. 161-171; *Cal. St. P. Col.*, 1685-1688, pp. 366, 368, 388-390, 426, 658, 660-662). In the declaration of war, May 7, it was stated: "That it was not long since the French took licenses from the governor of Newfoundland to fish in the seas upon that coast, and paid a tribute for such licenses, as an acknowledgment of the sole right of the crown of England to that island; yet of late the encroachments of the French upon that island, and his Majesty's subjects trade and fishery, had been more like the invasions of an enemy, than becoming friends, who enjoyed the advantages of that trade only by permission. But that the French king should invade his Majesty's Charibbee Islands, and possess himself of the province of New York, and of Hudson's Bay, in a hostile manner, detaining some of his Majesty's subjects under the hardship of imprisonment, and causing others to be inhumanly killed, were actions not becoming even an enemy; and yet that he was so far from declaring himself so, that at that very time he was negotiating, here in England, by his ministers, a treaty of neutrality and good correspondence in America." Timberland, *The History and Proceedings of the House of Lords*, I. 361; the date is erroneously given as May 4 (*cf. L. J.*, XIV. 203).

¹⁰ This included New England; *ante*, p. 1.

Garway, Sir Tho. Pope Blunt, Mr. Thompson, Sir John Banks, Mr. Honeywood, Sir John Cutler, Mr. Wogan, Mr. Rebow, Major Wildman, Mr. Reignolds, Colonel Birch, Sir Hen. Goffe, Mr. Somers, Sir Tho. Dyke, Sir H. Ashurst, Mr. Austen, Mr. Chetwin, Sir Tho. Littleton, Mr. Colt, Sir John Fowell, Sir Cha. Raleigh, Sir John Barker, Sir John Knight, Mr. Hamden, Mr. Thomson, Sir Trevor Williams, Mr. Tho. Foley, Lord Falkland, Mr. Gwyn, Mr. Hervey, Sir Walter Young, Sir Ralph Dutton, Mr. Arnold, Mr. England, Mr. Trenchard, Mr. Burrard: and all that come are to have voices; and they are to meet in the Speaker's Chamber on Saturday next, at four of the clock in the afternoon. (*Ibid.*, pp. 119-120.)

May 20, HC. A petition of Philip Ludwell,¹¹ in the name, and on the behalf, of himself, and the commons of their Majesties colony and dominion of Virginia, represented by the house of burgesses, was read; setting forth, that the plantation of Virginia is beneficial to the nation by some hundred thousands of pounds yearly in its customs: that, by arbitrary impositions of governors, it is greatly impoverished, and the people there much dissatisfied, to the hazard of the peace of the country: and that the late governor, by proclamation, revived a law formerly repealed by the general assembly, without consulting the inhabitants therein;¹² and, likewise, imposed exorbitant payments upon the people, and imprisoned several upon pretended crimes, without bringing them to trial, or admitting them to bail; and denying them the benefit of a *habeas corpus*;¹³ and suspending and turning out of all employments, without permitting them to justify themselves: and praying the said grievances may be taken into consideration, for remedy thereof.

Resolved, that the petitioner be called in, to own the petition; and that he hath authority from the colony to prosecute the same.

He was called in; and owned the same, accordingly.

¹¹ Ludwell came to Virginia about 1660, and at the outbreak of Bacon's Rebellion had become one of the leading figures of the colony. He served as councillor for many years, was appointed secretary, and later became governor of the Carolinas (*Va. Mag. of Hist. and Biog.*, I. 174-178). On May 12, 1688, he was asked by the house of burgesses to present a petition of grievances to the king. Though elected to the assembly of that year, he was not allowed to take his seat because of his suspension from the council, in 1687, for refusing to support the governor's policies (McIlwaine, *Journals of the House of Burgesses of Virginia, 1659/60-1693*, pp. lviii-lix, 316-318, 328-329). Sept. 9, 1689, the King in Council decided some of the matters at issue in accordance with the recommendations of the Lords of Trade and Plantations (*Acts of the Privy Council, Colonial*, II. 142-143). Other grievances presented by Ludwell were referred to the Lords of Trade for report, but no decision seems to have been reached before Nicholson was sent to replace Howard in the administration of the colony (*ibid.*, p. 143; *Cal. St. P. Col.*, 1689-1692, pp. 20, 147-148, 151-152, 159-160, 183, 185, 222). This petition to the Commons, containing in general the same complaints, was not reported by the committee to which it was referred.

¹² In 1680 the general assembly of Virginia had passed a law requiring attorneys to be licensed and specifying the fees they were to be allowed to charge (Hening, *Statutes*, II. 478-479). In 1682 this law was repealed (*ibid.*, p. 498). On June 19, 1684, Lord Howard, the governor, issued a proclamation announcing the repeal of the law of 1682, and reviving the act of 1680 (*Cal. St. P. Col.*, 1681-1685, p. 655; McIlwaine, *op. cit.*, pp. 270, 301, 304). It was held by the King in Council, Sept. 9, 1689, that Howard was correct in his interpretation of the law in reference to repealed laws, but it was recommended that a proclamation should be issued, repealing the act of 1680 to which the Virginia house objected. *Acts P. C. Col.*, II. 142; *Cal. St. P. Col.*, 1689-1692, pp. 78, 142.

¹³ Cf. *ibid.*, pp. 148, 159.

Resolved, that a committee be appointed to examine the matter of the said petition; and report the same to the House.

And it is referred to Colonel Austen, Sir John Austen, Sir Hen. Johnson, Sir Fra. Russell, Mr. Reynell, Mr. Gwyn, Sir John Barker, Mr. Papillon, Sir H. Ashurst, Colonel Birch, Sir Tho. Tayler, Mr. Montague, Mr. Jepson, Mr. Vaughan, Mr. Boyle, Sir Edw. Harley, Mr. England, Mr. Pollexfen, Mr. Reynolds, and all the members that serve for the City of London and Bristol: and they are to meet to-morrow in the afternoon, at four of the clock, in the Exchequer Chamber. (*C. J.*, X. 138-139.)

May 22, HC. Sir Jos. Tredenham reports, from the committee, to whom it was referred to prepare an address concerning the Irish Protestants,¹⁴ that the committee had prepared an address accordingly: which he read in his place; and afterwards delivered the same in at the clerk's table: where the same was read; and is as followeth; *viz.*

3. For the present supply of the great necessities of the said nobility and gentry of Ireland, we humbly pray, that such part of the stock which the late king hath in the East-India and Guinea companies, as yet undisposed of, may be sold, and distributed among them, according to a list of distribution already settled, and herewith presented to your Majesties

Resolved, that it be recommended to Sir Matthew Andrews, Sir John Banks, and Mr. Papillion, to inquire, by the best means they can, what stock the late King James the Second hath undisposed of in the East-India Company, Guinea Company, or Hudson's-Bay Company; and bring an account thereof to this House to-morrow morning, at ten of the clock. (*Ibid.*, pp. 143-144.)

May 28, HC. Sir Joseph Tredenham reports, from the committee, to whom the address concerning the Irish Protestants was re-committed, that the committee had considered of the matters to them referred, and had agreed upon an address to be presented to his Majesty; which they had directed him to report to the House: and he read the same in his place; and afterwards delivered the same in at the clerk's table: where the same was read; and is as followeth; *viz.*

3. For the present supply of the great necessities of the said nobility and gentry of Ireland, we humbly pray, that such part of the stock which the late king hath in the East-India and Guinea companies, as yet undisposed of, may be sold, and distributed among them, according to a list of distribution already settled, and herewith presented to your Majesties

The fifth paragraph being read a second time, the persons appointed the 22th instant, to inquire, by the best means they could, what stock the late King James had undisposed of, in the East-India Company, Guinea Company, and Hudson's-Bay Company; and to bring an account thereof to the House to make their report concerning the same:

Whereupon Mr. Papillion acquainted the House, that they had made inquiry accordingly

¹⁴ May 16. *C. J.*, X. 135.

As to Hudson-Bay Company, they find, that his royal highness James Duke of Yorke hath credit, for his share, in the general joint stock and adventure in that company's stock, 300 *l.*; which stock was passed to his credit in *anno* 1676, and continues so yet undisposed of.

A debate arose thereupon, what sum should be desired for the said persons present subsistence.

Resolved, that 15000 *l.* be the sum that his Majesty be desired to distribute among the Irish nobility and gentry. . . . (*Ibid.*, pp. 154-155.)

June 1, HC. Ordered, that leave be given to bring in a bill for exporting bread and bisquet to the plantations. (*Ibid.*, p. 162.)

June 13, HC. Sir Joseph Tredenham reports, from the committee, to whom the address relating to the Irish Protestants was re-committed, that the committee had agreed upon several amendments to be made in the address: which he read in his place; and afterwards delivered the same in at the clerk's table: where the same were read once throughout; and afterwards, a second time, one by one, and, upon the question severally put thereupon, agreed unto by the House; and are as followeth; *viz.*

P. 2, l. 2, after the word "that", leave out these words, "such part of the stock which the late king hath in the East-India, Hudson's-Bay, and Guinea companies, as yet undisposed of, may be sold; and"; and, instead thereof, insert these words, "the sum of fifteen thousand pounds be forthwith" . . . ¹⁵ (*Ibid.*, p. 179.)

July 18, HC. Ordered, that the report from the committee, to whom the bill for restoring corporations . . . , be made upon Tuesday morning. (*Ibid.*, p. 226.)

July 23, HC. Mr. Solicitor General reports from the committee, to whom the bill for restoring corporations, was referred, that they had agreed to make several amendments to the bill . . . which amendments and report he read in his place; and afterwards delivered the same in at the clerk's table; where the same were once read throughout; and several of the amendments were read, a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Resolved, that the consideration of the residue of the amendments be adjourned till to-morrow morning, ten of the clock.¹⁶ (*Ibid.*, p. 233.)

Aug. 5, HC. Mr. Hamden reports from the committee of the whole House, that they had made some further progress in the bill for settling the revenue; and had considered of the petition of the planters, and others, concerned in their Majesties sugar plantations in America, presented to the House, the third of April last; and also the petition of divers planters of Virginia and Maryland, presented to the House the sixteenth of the same April; and also of several petitions presented to the House by the servants of King Charles the Second: and that the impositions upon the plantations seem to be burdensome: and that, there being six hundred thousand pounds to be raised for the satisfaction of the Dutch, the committee have also agreed upon a sum of sixty thousand pounds to be applied towards the said servants satisfaction: and that, thereupon the com-

¹⁵ The address as amended was agreed to June 15. *Ibid.*, p. 181.

¹⁶ *Ante*, pp. 1-2, 4; this bill was not further considered during this session.

mittee have agreed upon a clause to be added to the said bill, for the purposes aforesaid; and upon a resolution: which he read in his place; and afterwards delivered the same in at the clerk's table: where the same was read; and is as followeth; *viz.*

Resolved, that it is the opinion of this committee, that the House be moved to give leave, that a bill, or bills, be brought in for the ease of the plantations, and for enlarging the time for the duties imposed by an act of the first year of King James the Second, intituled, An act for granting an aid to his Majesty, by an imposition on all French linens, and on all India linen, and on all French wrought silks and stuffs, and on all other wrought silks, and on all brandies imported after the first day of July 1685, and before the first day of July 1690.

The said resolution being read a second time;

Ordered, that leave be given to bring in a bill, or bills, for the ease of the plantations, and for enlarging the time for the duties imposed by an act of the first year of King James the Second, intituled, An act for granting an aid to his Majesty, by an imposition on all French linens, and on all India linen, and on all French wrought silks and stuffs, and on all other wrought silks, and on all brandies imported after the first day of July 1685, and before the first day of July, 1690. . . .¹⁷ (*C. J.*, X. 253.)

Aug. 9, HC. Ordered, that it be referred to Sir Tho. Clarges, Sir Rob. Davers, Mr. Kendall, Sir Peter Corriton, Sir Rich. Temple, to prepare a bill, or bills, for ease of the plantations, and enlarging the time for the duties imposed by the act of the first year of King James the Second, according to the resolution of the House the fifth instant. (*Ibid.*, p. 258.)

Session of October 23, 1689–January 27, 1689/90 (1 Gul. et Mar.).

1689.

Oct. 30, HC. Resolved, that a committee be appointed to prepare and bring in a bill for restoring and confirming of corporations.¹

And it is referred unto Sir Hen. Capell, Sir Edw. Seymour, Sir Tho. Clarges, Sir John Wynn, Mr. Sacheverell, Sir Walter Young, Sir John Knatchbull, Sir Fran. Drake, Mr. Hamden, Mr. Serjeant Trenchard, Colonel Birch, Sir John Trevor, Major Wildman,² Mr. Etterick, Sir Thomas Bloys, Mr. Christy, Mr. Solicitor General,³ Mr. Miller, Sir Jos. Tredenham, Sir Tho. Littleton, Mr. Paul Foley, Sir John Knight, Mr. Finch, Sir Math. Andrews, Mr. Hawles, Colonel Whitley, Sir Fra. Russell, Mr. Coningsby, Mr. Fuller, Sir Wm. Ellis, Sir Charles Caesar, Major

¹⁷ This bill was not introduced during this session. Parliament adjourned on Aug. 20, until Sept. 20, then to meet Oct. 19; Oct. 21 the session came to an end.

¹ *Ante*, pp. 1, 4, 7; at this session the bill passed the Commons only to fail in the House of Lords because of disagreement on the question of the legality of the surrenders of corporations, and the prorogation. The text of the bill and the debate by the Lords in the committee of the whole are printed in *Hist. MSS. Comm., Twelfth Rept.*, Appendix, pt. VI., pp. 422-433; see also, *L. J.*, XIV. 419, 423-424. Jan. 23, after debate the Lords in committee agreed, "that the charters of the plantations shall be considered distinctly". *Hist. MSS. Comm., loc. cit.*, p. 432.

² Note the repetition of this name below; John Wildman represented Great Bedwin in this Parliament, another of the same name sat for Wootton Bassett.

³ John Somers, afterwards Lord Somers.

Wildman, Mr. Gray; or any five of them: and they are to meet this afternoon, at three of the clock, in the Speaker's Chamber. (*C. J.*, X. 277.)

Nov. 7, HC. Ordered, that the committee appointed to prepare a bill for restoring corporations, do make their report to-morrow morning. (*Ibid.*, p. 281.)

Nov. 12, HC. Mr. Solicitor General reports from the committee appointed to prepare a bill for restoring corporations, that they had prepared a bill accordingly; which they had directed him to present to the House.

The bill was read the first time.

Resolved, that the bill be read a second time on Friday morning next, at eleven a clock. (*Ibid.*, p. 284.)

Nov. 13, HC. A petition of the merchants of London was read; setting forth, that the petitioners paying great customs for the guard of the seas, and having many trading vessels in the Streights and West-Indies, when the war against France was declared, that had no knowledge thereof; but, presuming on the state guarding of the Chanel, returning without fear, to theirs and the petitioners great loss, found the very mouth of the Channel so infested with French capers, and men of war, that there are lost near one hundred sail of ships, to the value of six hundred thousand pounds; whereby divers of the petitioners are impoverished, the government of England dishonoured, and the kingdom weakened, by the loss of many brave seamen now in French prisons, gallies, or men of war; whilst the French are thereby enriched, strengthened with many good ships: and that those of the English ships, that have escaped the French, and got into the west of England, after their lying there, some near three months, others more, have been fain to hire foreigners, or pay considerable sums of money to the English, to convoy them to the Downs; as the petitioners were ready to make appear: and praying the consideration and relief of the House.

Then the petitioners were called in, to own their petition: and they did so.

And, being desired to give an account, what captains of men of war took money of merchant ships for convoying of them;

They acquainted the House, that Captain George Churchill, of the *Pennennis*, had, of Emanuell Hudson, a master of a merchantman, for his and other ships, forty pounds; and that they could bring the evidence when the House should appoint.

And then they withdrew.

Resolved, that, on Monday morning next, this House will hear the petitioners at the bar of this House, to make good their complaints.

Ordered, that George Churchill, esquire, a member of this House, have notice to attend in his place, upon Monday morning next, touching an information given of his having taken monies of captains of merchant ships for convoying them.

Resolved, that the House will, upon Monday morning next, hear any other persons that shall make any other complaints of the like abuses touching convoys.

Then the petitioners were called in again; and acquainted by Mr. Speaker with the said resolves, for the hearing the matter of the said complaints on Monday next, either against Captain Churchill, or any others.⁴ (*C. J.*, X. 285.)

Nov. 14, HC. Mr. Grey reports, from the committee of the whole House,⁵ that they had agreed upon a resolution: which he read in his place; and afterwards, delivered the same in at the table: where the same was read; and is as followeth;

Resolved, that it is the opinion of this committee, that the want of a guard, or convoys, for the merchants, for the last year, hath been an obstruction of trade, and an occasion of great losses to the nation.

The said resolve being read a second time;

Resolved, that the House doth agree with the committee, that the want of a guard, or convoys, for the merchants, for the last year, hath been an obstruction of trade, and an occasion of great losses to the nation. (*Ibid.*, p. 286.)

Nov. 25,⁶ HC. Ordered, that the bill for restoring of corporations be read a second time on Wednesday morning next. (*Ibid.*, p. 294.)

Nov. 29, HC. Ordered, that the bill for restoring of corporations be read the second time, on Monday morning next, at eleven of the clock. (*Ibid.*, p. 298.)

Dec. 19,⁷ HC. Resolved, that the bill for restoring corporations be now read the second time.

Then the bill was read the second time.

Resolved, that the bill be committed to Sir Rob. Howard, Sir Hen. Capell, Mr. Baldwyn, Sir Jo. Trenchard, Mr. Sacheverell, Sir Cha. Bloys, Sir Edw. Harley, Mr. Comptroller,⁸ Sir Cha. Raleigh, Mr. Vincent, Mr. Rebow, Sir Fran. Russell, Mr. Paul Foley, Lord Colchester, Sir Ralph Carre, Sir John Cary, Sir John Trevor, Sir Rob. Rich, Sir Edw. Seymour, Mr. Buscawen, Sir Wm. Ashurst, Colonel Whitley, Sir Rob. Cotton,⁹

⁴ Nov. 18, Churchill was committed to the Tower; Nov. 28, upon his petition, he was released. *C. J.*, X. 289, 297.

⁵ To take into consideration the state of the nation.

⁶ Nov. 22, the Lords considered the bill declaring the rights of the subject, and settling the succession of the crown. "Because the dispensing power was mentioned in it, as one of the chiefest grievances, some were of the opinion that such a power was a prerogative inseparable from the crown, and that in some cases the king may dispense, if not with a law, yet with some part of it. To support this opinion, they alledged, that there was a statute prohibiting all foreign-built ships, or such as had not been laden in this kingdom, to trade to the English plantations in America; but that nevertheless, for the good of the nation, the king might dispense with that statute, upon account of the negro-trade, which the English drove with the Spaniards, and of which they had cut off the Dutch." Timberland, *op. cit.*, I. 395.

⁷ Dec. 12, the Lords received a petition in appeal of Francis Jervis from a chancery decree of May 16, 1685, in favor of John Preston (*L. J.*, XIV. 369). The petitioner represented that, as the youngest son, he was entitled to an estate of the tenure of borough English, left by his father in 1661; but, being in Virginia at the time of his father's death and for twenty years after, his brother took possession of the property and disposed of it (*Hist. MSS. Comm., Twelfth Rept.*, App., pt. VI., p. 362). After a hearing of the cause, Jan. 15, the appeal was dismissed. *L. J.*, XIV. 413.

⁸ Thomas Wharton.

⁹ This name, given below, is not a repetition; one represented the county of Cambridge, the other that of Chester.

Mr. Glemham, Sir Chr. Musgrave, Sir Jo. Barker, Mr. Moore, Sir Peter Coryton, Mr. Harley, Mr. Fenwick, Mr. Hampden, Sir Ralph Dutton, Sir John Guise, Sir H. Winchcomb, Mr. Pitts, Lord Marquis Winchester, Mr. Reignolds, Sir Wm. Ellis, Sir James Rushout, Colonel Birch, Sir Mich. Bidolp, Sir Rob. Nappier, Mr. Morland, Mr. Christy, Mr. Roberts, Colonel Beamont, Sir Edw. Hussey, Mr. White,¹⁰ Sir Jos. Tredenham, Mr. Fra. Thomson, Sir John Manwareing, Mr. Edw. Thomson, Mr. Solicitor General, Lord Falkland, Mr. Cooke, Lord Wm. Pawlet, Mr. Kendall, Sir Fra. Guibon, Mr. Baile, Mr. Fox, Mr. Bickerstaffe, Sir Jo. Moreton, Mr. Etterick, Lord Brandon, Mr. Row, Mr. Stockdale, Sir Wm. Johnson, Sir H. Hobart, Sir Algern. May, Mr. Sherrard, Mr. Mansell, Sir Hen. Ashurst, Mr. Geo. Manwareing, Mr. Lewis, Mr. Tho. Foley, Mr. Bromly, Sir Walter Young, Mr. White, Sir John Barnadiston, Mr. Gray, Sir Scroope How, Mr. Ellwell, Sir Philip Skippon, Mr. Hussey, Sir Rob. Cotton, Mr. Niccolls, Earl of Bellamont, Sir D. Colchester, Mr. Hawles, Mr. Deane, Mr. Stanley: and all that come are to have voices: and they are to meet to-morrow in the afternoon at three of the clock, in the Speaker's Chamber. (*Ibid.*, pp. 312-313.)

Dec. 21,¹¹ HC. Mr. Christy reports, from the committee appointed to examine the matter of the petition of Arthur Bayly, and others, owners of the ship *Averilla*; ¹² and also the complaints against captains of men of war, who have pressed seamen out of merchant-ships, whereby they were left without defence; that the committee had examined into the matter of the said petition, and also into the complaint of one Benjamin Parsons, commander of the ship *Recovery*; and had agreed upon a report to be made, without any resolutions thereupon: the which he read in his place; and afterwards, delivered the same in at the clerk's table: where the same was read; and is as followeth;

As to the matter of the said petition, Abraham Wild, commander of the ship *Averilla*, burden thirty tons, testified that he coming with the said vessel, bound for England from Virginia, with a cargo of nine hundred hogsheads of tobacco, worth five thousand pounds to the owners, and which had paid and secured seven thousand pounds to the king, was, on the eighth day of May last, met off Beechy by the *Henrietta*, one of their Majesties men of war, Captain Nevill commander; who sent his pinnace full of men (whereof the boatswain, purser, and cockswain were chief), who boarded the *Avarilla*, and presently took away the command of the ship from him the commander, and altered his course by bringing the tacks aboard, and standing down the chanel after the man of war; and in that time pressed and took away six of his best and ablest men, *viz.* his boatswain, gunner, boatswain's mate, the quartermaster, and two more; thereby rendering the rest of the miserable ship's crew, which were only thirteen, whereof five were boys and sick persons, incapable of sailing the ship, and defending her, in case of an attack: and that, although the said master told Captain Nevill's men and officers of such their unwar-

¹⁰ John White, member for Nottinghamshire; the same name below apparently refers to the same person.

¹¹ Erroneously dated the 11th, in the *Journals*.

¹² Committee appointed Nov. 18. *C. J.*, X. 288.

rantable actions, in disabling the vessel as aforesaid; and that, if they would convoy her safe into port, being then within six hours sail thither, and under a fair wind, that he and all his men would be at the king's service; yet, that notwithstanding they so impressed and took away his men, and left the vessel a prey both to the sea and enemy.

That, on ninth May, being the next morning, the said *Avarilla*, being so disabled, was met with by a French privateer, who had but eight guns; and she eleven guns, but eight men; and was by him engaged, and taken; and carried, with all the cargo, and the remainder of the ship's crew, prisoners to Dunkirk; where they were forced to lie till lately, that the said Mr. Wild's wife, after much labour and charge, procured an exchange of the same number of French, taken here, as were of the company with her poor husband.

That Captain Nevill was not contented only in taking and pressing Captain Wild's said men from him, but also forced him to give the said men notes under his hand to pay them their wages; for which, notwithstanding the said captain's losses and sufferings, they brought their actions against him in the king's-bench; where they obtained judgment against him, and have recovered the same.

That John Cotterell, mate, testified, that the said vessel was but weak in men, having only the number aforesaid on board, when Captain Nevill met her; who, in the time of taking away their said men, stopped and detained the ship above two hours, who then lay under a fair wind and tide for the Downs; and might doubtless, if she had not been so detained, and disabled, as aforesaid, passed by and escaped the said privateer before the morning.

That the gunner, and another seaman of the *Avarilla*, testified the matters aforesaid to the committee.

As to the complaint of the said Benjamin Parsons, that Mr. Baile, a member of the House, tendred an attestation, signed by Samuel Eastlake, notary publick at Plymouth, bearing date the eleventh day of October last; which purported a complaint against Captain Avery, commander of their Majesties ship the *King's-Fisher*, to the effect following; *viz.*

That Benjamin Parsons, commander of the *Recovery*, burden one hundred tons, richly loaden to the value of twelve thousand pounds, bound for New-England; and Abraham Passmore, commander of the *Elizabeth*, burden sixty tons, bound for Barbadoes; having obtained promise of convoy by four of their Majesties ships, one of which was the *Coronation*, Captain Thomas Raines, commander in chief, from whom the attestants had and received their sailing-orders, and instructions to attend their motion; the which they put themselves in a readiness to do: but that, on the tenth of October, the attestants being ready to come to sail, and the convoy being under sail, with about forty vessels, merchantmen, the said Captain Avery, with his pinnace, boarded the two ships, and impressed and took away out of the *Recovery* six, and out of the *Elizabeth* three men; by which means the said Parsons and Passmore were both obstructed from following their convoy, being detained by Captain Averye several hours after the convoy were under sail, and gone out of sight, before he

could be prevailed on to let them have their men: but that then it was so late, though they came to sail, and used their endeavours to overtake the fleet, and got as far off as Fowey, but could not reach any sight of their convoy: and it being very late in the night, and dark, and being under fear of French privateers, they were forced to come back again to the said port, yielding their intended voyages to be lost and ruined by such the said Captain Aveye's detaining and disabling them as aforesaid, as by the said attestation more at large appeareth.

And that, to the said attestation, the notary publick annexed a letter, directed to Mr. Edward Seaward and Company, proprietors of the said vessels; giving them an account of the said protest; and also telling them, how he was vilified and abused by the said Captain Avery at the manifesting of the protest to him, by the said Aveye and officers, after very scurrilous and abusive expressions, offering to draw their swords and bayonets on him, and threatening his mischief; to avoid which he was forced to make his escape by flight, not giving any manner of provocation.

Resolved, that the Commissioners of the Admiralty be acquainted with the said complaint against the said Captain Nevill: and that they be desired, that, when he comes into port, he be sent for to appear before this House, to answer to the matters charged upon him.

Resolved, that the Commissioners of the Admiralty be acquainted with the said complaint against the said Captain Avery: and that they be desired, that, when he comes into port, he be sent for to appear before this House, to answer to the matters charged upon him. (*C. J.*, X. 315.)

Dec. 30, HC. A motion being made, for laying an imposition at the custom-house upon coffee, tea, and chocolate;

Ordered, that the House do, to-morrow morning, resolve into a committee of the whole House, to consider of that motion. (*Ibid.*, p. 318.)

Dec. 30, HC. Ordered, that the report from the committee to whom the bill for restoring corporations, was referred, be made upon Thursday morning next, at ten of the clock. (*Ibid.*, p. 319.)

Dec. 31, HC. Then the House resolved into a committee of the whole House, to consider of further ways to raise the supply granted to their Majesties. . . .

Mr. Hampden reports from the committee of the whole House, that they had made a further progress in the matters to them referred; and had agreed upon several resolutions, which they had directed him to report to the House: and he read the same in his place; and afterwards, delivered the same in at the clerk's table: where the same was read; and are as followeth;

Resolved, that it is the opinion of this committee, that, as a further means of raising a supply for their Majesties, there be an imposition laid upon coffee, tea, and chocolate. at the custom-house: and that the House be moved, that a bill be brought in for that purpose. . . .

The first of the said resolutions being read a second time;

Resolved, that this House doth agree with the committee, that, as a further means of raising a supply for their Majesties, there be an imposition laid upon coffee, tea, and chocolate, at the custom-house.

Ordered, that a bill be brought in according to the said resolve: and that Sir Math. Andrews do prepare and bring in the bill.¹³ . . . (C. J., X. 321.)

1689/90.

Jan. 2, HC. A bill for laying a duty upon coffee, tea, and chocolate, at the custom-house, was read the first time.

Resolved, that the bill be read a second time to-morrow morning. (*Ibid.*, p. 322.)

Jan. 2, HC. Mr. Solicitor General reports from the committee to whom the bill for restoring corporations was referred, that they had agreed upon several amendments to be made to the bill, and several clauses to be added thereunto: which he read in his place, with the coherence; and afterwards, delivered the same in at the clerk's table: where the same were once read throughout; and afterwards a second time, one by one: and, with some amendments proposed and agreed upon, and made at the table accordingly, the same were, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the bill, with the several clauses and amendments, be ingrossed. (*Ibid.*, pp. 322-323.)

Jan. 3, HC. A bill for collecting the duty upon coffee, tea, and chocolate, at the custom-house, was read the second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that the House do, to-morrow morning at ten of the clock, resolve into a committee of the whole House upon the said bill.

Ordered, that leave be given to offer to that committee a clause for liberty to import spices from foreign countries in English ships, although the said spices are not of the growth or product of the said countries. (*Ibid.*, p. 324.)

Jan. 4, HC. Ordered, that the ingrossed bill for restoring corporations, be read the third time on Friday morning next. (*Ibid.*, p. 325.)

Jan. 4, HC. Then the House resolved into a committee of the whole House, upon the bill for collecting the duty upon coffee, tea, and chocolate, at the custom-house. . . .

Mr. Hampden reports from the committee of the whole House, that they had gone through the bill; and agreed upon several amendments to be made therein; and also upon a clause, for liberty to import spices from foreign countries in English ships, which they had directed him to report to the House, with the first opportunity. (*Ibid.*)

Jan. 8, HC. Mr. Hampden reports from the committee of the whole House to whom the bill for collecting the duty upon coffee, tea, and chocolate, at the custom-house, the several amendments agreed upon by the committee; together with the clause for importing of spices from foreign countries: reading in his place the said amendments, with the coherence, and the said clause; and afterwards, delivered the same in at the clerk's

¹³ 1 Gul. et Mar., sess. 2, c. 6 (*Statutes*, VI. 151). According to the provisions of this act, coffee paid duty at the rate of £5 12 s. per cwt.; cocoanuts, £8 8 s.; tea, 5 s.; upon exportation of these commodities, two-thirds of the duty was repaid; section 5 permitted, after license was obtained, the importation in English-built vessels of nutmegs, cinnamon, cloves, and mace. A similar bill failed in the first session.

table: where the same were once read throughout; and afterwards a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the bill, so amended, and with the said clause, be ingrossed. (*Ibid.*, p. 326.)

Jan. 10, HC. An ingrossed bill for restoring of corporations, was read the third time. . . .

Resolved, that the bill do pass: and that the title thereof be, An act to restore corporations to their ancient rights and privileges.

Ordered, that the Lord Falkland do carry the bill to the Lords, and desire their concurrence thereunto.¹⁴ (*Ibid.*, pp. 329-330.)

Jan. 11, HC. An ingrossed bill for the collecting the duties upon coffee, tea, and chocolate, at the custom-house, was read the third time.

Resolved, that the bill do pass: and that the title thereof be, An act for the charging the duties upon coffee, tea, and chocolate, at the custom-house.

Ordered, that Mr. Hamden do carry the bill to the Lords, and desire their concurrence thereunto.¹⁵ (*Ibid.*, p. 330.)

Jan. 11, HL. *Hodie 1a vice lecta est billa*, An act to restore corporations to their ancient rights and privileges.

Upon the first reading of the bill, intituled, An act to restore corporations to their ancient rights and privileges:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said bill shall be read the second time, on Saturday next, at ten of the clock in the forenoon; against which time all the Lords are to be summoned to attend this House. (*L. J.*, XIV. 410.)

Jan. 13, HL. *Hodie 1a vice lecta est billa*, An act for the charging and collecting the duties upon coffee, tea, and chocolate, at the custom-house. (*Ibid.*, p. 411.)

Jan. 14, HL. *Hodie 2a vice lecta est billa*, An act for charging and collecting the duties of coffee, tea, and chocolate, at the custom-house.

It is ordered, that this House shall be put into a committee, to consider thereof, to-morrow, at ten of the clock in the forenoon. (*Ibid.*, p. 412.)

Jan. 15, HL. The House was put into a committee of the whole House, to consider of the bill for charging and collecting the duties upon coffee, tea, and chocolate, at the custom-house.

The House was resumed.

And the Lord Cornwallis reported, that the committee have read over the said bill; and think it fit to pass as it is.

To which the House agreed. . . .

Hodie 3a vice lecta est billa, An act for charging and collecting the duties upon coffee, tea, and chocolate, at the custom-house.

The question being put, whether this bill shall pass for a law?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Coke and Sir Adam Oateley:

¹⁴ *L. J.*, XIV. 410.

¹⁵ *Ibid.*

To acquaint them, that this House hath passed the bill for collecting the duties upon coffee, tea, and chocolate, at the custom-house.¹⁶ (*L. J.*, XIV. 413-414.)

Jan. 18, HL. Hodie 2a vice lecta est billa, An act to restore corporations to their ancient rights and privileges.

Ordered, that this bill be committed to a committee of the whole House; and to be proceeded in presently.

And accordingly the House was adjourned into a committee during pleasure.

The House being resumed;

The Earl of Mulgrave reported, that the committee of the House have made a progress in the bill concerning corporations; but, before they go further therein, desire to hear the opinion of the judges to some part of it.

Whereupon it is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that on Wednesday next, at ten of the clock in the forenoon, all the judges do give their opinions, in this House, whether the surrender of a corporation is illegal; and that all the Lords be summoned to attend at that time. (*Ibid.*, p. 419.)

Jan. 22, HL. After having heard the opinion of the judges this day, whether the surrender of a corporation is illegal;

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the debate of this business shall be adjourned till to-morrow, at ten of the clock in the forenoon. (*Ibid.*, p. 422.)

Jan. 23, HL. The House was put into a committee, to consider of the bill, intituled, An act to restore corporations to their ancient rights and privileges.

The House was resumed.¹⁷ . . . (*Ibid.*, pp. 423-424.)

Jan. 27, HC. A petition of the Royal Affrican Company of England was read; setting forth, that they, by great charge, have preserved to this nation the trade in Affrica, from the port of Salley to Cape de bona Esperanza, under letters patents from the late King Charles the Second; where they have not only improved the manufacturies of this nation, but, from the large credit the said company have given to their Majesties America plantations, the trade of Affrica hath produced an increase of wealth and navigation to the kingdom, and revenue to the crown: but there arising disputes about the company's powers by their letters patents, whereby they are disturbed in their trade: and presuming the House may find it necessary to secure the trade of Affrica, and praying they may have leave to offer a bill for the better securing the trade to the petitioners the company, or as the House shall see good.

Resolved, that a committee be appointed to consider of the said petition; and to prepare and bring in a bill, as they shall think fit.

And it is referred to Sir Tho. Littleton, Sir Tho. Clarges, Mr. Brewer, Major Vincent, Mr. Baldwyn, Sir Tho. Darcy, Mr. Blowfeild, Sir Peter Rich, Major Manley, Mr. Elwell, Mr. Johnson, Sir John Moreton, Mr. Brumley, Mr. Fuller, Mr. Herne, Mr. Fenwick, Colonel Birch, Sir John

¹⁶ *C. J.*, X. 333. The royal assent was given Jan. 16. *Ibid.*; *L. J.*, XIV. 416.

¹⁷ See note 1, *ante*, p. 8.

Cary, Mr. England, Mr. Burrard, Mr. Coryton, Mr. Hawles, Mr. Christy, Sir Wal. Young, Mr. Cooke, Mr. Pitts, Mr. Harvey, Mr. Thompson, Sir Tho. Barnadiston, Mr. Cognisby, Sir Tho. Darcy, Sir Dun. Colchester, Sir Charles Bloys, Mr. Brownlow, Mr. Carye: and all that come to have voices: and they are to meet on Wednesday next, at three of the clock in the afternoon, in the Speaker's Chamber: and are impowered to send for persons, papers, and records.¹⁸ (*C. J.*, X. 345.)

¹⁸ Parliament was this day prorogued to Apr. 2, but before that date it was dissolved, and a new Parliament called for Mar. 20.

WILLIAM AND MARY: SECOND PARLIAMENT.

*Session of March 20, 1689/90–May 23, 1690 (2 Gul. et Mar.).*¹

1690.

Mar. 31, HC. A petition of the Royal Affrican Company of England was read; setting forth, that the petitioners, by their great charge for many years past, have preserved to this nation the trade in Affrica, from the port of Sally to Cape de Bona Esperanza, under letters patents from the late King Charles the Second:² but, disputes arising relating to the powers given to the petitioners thereby; whereby they are disturbed in their trade, and must quit the same, unless those disturbances are removed; and praying leave to offer a bill for the better securing to them the said trade.

Ordered, that leave be given to bring in a bill accordingly. (*C. J., X. 360.*)

Apr. 2, HC. A bill for the better securing the trade to the Royal Affrican Company of England was presented to the House; and received. (*Ibid., p. 363.*)

Apr. 4, HC. A bill for securing the trade to the Royal Affrican Company of England was read the first time.

Resolved, that the bill be read a second time on Tuesday morning next. (*Ibid., p. 367.*)

Apr. 4, HC. Then the House resolved into a committee of the whole House, to proceed in the further consideration of the poll. . . .

Mr. Chancellor of the Exchequer³ reports from the committee of the whole House, that they had agreed upon several heads for the bill; which they had directed him to report to the House: and he read the same in his place; and afterwards, delivered the same in at the clerk's table: where they were read; and are as followeth

Resolved, that it is the opinion of this committee, that all members of the Guinea Company, for their share in the joint stock of the said company, shall be taxed in the said bill. . . .⁴

Resolved, that it is the opinion of this committee, that all members of the Hudson's-Bay Company, for their share in the joint stock of that company, shall be taxed in the said bill. . . .

And the said resolutions being severally read a second time; they were, upon the question severally put thereupon, agreed unto by the House.

¹ Parliament was not formally prorogued until July 7; but on May 23, in accordance with the wish of the king to have a recess until winter, both Houses adjourned.

² *Ante*, p. 16. Bills were presented in this and the following session, but failed to pass.

³ Richard Hampden, 1690-1694.

⁴ The amount fixed was 40 s. per hundred pounds; members of the Hudson's Bay Co. were to pay the same.

Ordered, that a bill be brought in upon the said heads: and it is recommended to Mr. Chancellor of the Exchequer, and Mr. Solicitor-General,⁵ to prepare and bring in the same. (*Ibid.*, pp. 367-368.)

Apr. 7, HC. A petition of the Governor and Company of Adventurers of England trading into Hudsons-Bay was read; setting-forth, that the late King Charles the Second, by his letters patents in 1670, incorporated the said company; and granted to them the sole trade to the said bay, with its countries, coasts, and confines;⁶ and that the same should be reckoned as one of his Majesty's plantations; which the company have since kept, and settled a trade there; but at vast charge and expence, besides the frequent and great losses received from the French, to the amount of one hundred and fifty thousand pounds: and, though such abuses were by them used in time of peace; yet the petitioners could have no redress in the late reign: that the petitioners have been also disturbed in their trade by divers persons of this nation, undertaking interloping voyages:⁷ that such their trade is not to be supported but by a joint-stock: and praying leave to bring in a bill for confirming their privileges, for the better securing the said trade.

Ordered, that leave be given to bring in a bill, accordingly. (*Ibid.*, pp. 369-370.)

Apr. 9, HC. A bill for confirming, to the Governor and Company trading to Hudsons-Bay, their privileges and trade, was presented to the House; and received.⁸ (*Ibid.*, p. 372.)

Apr. 9, HC. A bill for granting to their Majesties a subsidy of tonage and poundage, and other sums of money payable upon merchandize exported and imported, was read the first time.⁹

Resolved, that the bill be read a second time. (*Ibid.*, p. 373.)

Apr. 12, HC. A bill for confirming, to the Governor and Company trading to Hudsons-Bay, their privileges and trade, was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 375.)

⁵ John Somers, 1689-1692. The poll bill was read the first time Apr. 5; committed Apr. 7; considered by the whole House Apr. 7, 10; reported and ingrossed Apr. 11; and passed Apr. 14 (*C. J.*, X. 369, 370, 373, 374, 377). It was received and read by the Lords Apr. 14; committed on the next day, and passed Apr. 17. It received the royal assent Apr. 23 (*L. J.*, XIV. 463, 465, 467, 472). The title of the bill was, An act for raising money by a poll and otherwise towards the reducing of Ireland and prosecuting the war against France. 2 Gul. et Mar., sess. 1, c. 2; *Statutes*, VI. 156.

⁶ For exhaustive studies of this company, see Beckles Willson, *The Great Company*; Geo. Bryce, *The Remarkable History of the Hudson's Bay Company*; Agnes C. Laut, *The Conquest of the Great Northwest*; and, for an excellent summary, Scott, *Joint-Stock Companies to 1720*, II. 228-237. The charter is printed in Willson, *op. cit.* (1900), II. 318-336; *Reports from Committees of the House of Commons*, II. 237-242.

⁷ In response to the company's petitions, James II. issued a proclamation, Mar. 31, 1688, prohibiting general trading within the limits assigned by the charter. *Acts P. C. Col.*, II. 37, 108; Scott, *op. cit.*, p. 231 n.; Brigham, *Royal Proclamations*, p. 143.

⁸ 2 Gul. et Mar., sess. 1, c. 15, according to Hist. MSS. Comm., *Thirteenth Rept.*, App., pt. V., p. 74. Only the title of the act is given in *Statutes*, VI. 179. By its terms the charter of the company was confirmed for a period of seven years. Soon after the passage of this act the stock of the company was trebled. Willson, *op. cit.*, I. 184-185; Scott, *loc. cit.*, p. 232.

⁹ 2 Gul. et Mar., sess. 1, c. 4; *Statutes*, VI. 166. This act continued for four years the subsidy granted by 12 Car. II. c. 4 (see vol. I., p. 273); and certain other acts, including 25 Car. II. c. 7, for encouraging the Greenland and plantation trade. *Ibid.*, p. 398.

Apr. 15, HC. A bill for granting to their Majesties a subsidy of tonage and poundage, and other sums of money payable upon merchandize exported or imported, was read the second time.

Resolved, that the bill be committed to a committee of the whole House. (*C. J.*, X. 379.)

Apr. 15, HC. Resolved, that the House do now resolve itself into a committee of the whole House, to consider of the bill for settling the tonage and poundage upon their Majesties.

Mr. Speaker left the chair.

Mr. Chancellor of the Exchequer took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Chancellor of the Exchequer reports from the committee of the whole House, that they had made some progress in the bill; but had not, as yet, gone through the same. . . . (*Ibid.*)

Apr. 15, HC. A bill for securing the trade to the Royal Affrican Company of England was read a second time.

Resolved, that the bill be committed to a committee of the whole House. . . .¹⁰

A petition of the planters, and traders to Jamaica, was read; setting-forth, that the Affrican Company have desired leave to bring in a bill for confirming their charter: and the company having been exceeding oppressive and injurious, as well to the said island in general, as to their Majesties subjects in England, to the great discouragement of trade (especially the woolen manufacture) and the diminutions of their Majesties customs, and praying, that they may be heard, by their counsel, against the said bill, before the same doth pass.¹¹

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for securing the trade to the Royal Affrican Company of England is committed.

A petition of John Thrale, and John Tutt, and others, owners and freighters of the ship *Delight*, of London, was read; setting-forth, that the said ship, English built, burthen one hundred and forty tons, manned with English men, and laden with woolen manufactures, and other goods, for which his Majesty's customs were duly paid 10 July 1677, and then sailed to Affrica; and was there re-laden with negroes, elephants teeth, gold, etc. consigned to Jamaica to be delivered there: but that, in April 1678, one Captain Delavall, commander of the *Constant Warwick*, did, in an hostile manner, near the Barbadoes, command the master of the said ship to come aboard him: the which when he did do, he there detained him prisoner, and seized the ship and cargo, and carried the same into Barbadoes; where Sir Jonath. Atkins, then governor,¹² in confederacy with the Affrican Company, and their agents, adjudged the said ship and

¹⁰ In addition to the protests against the bill here given, similar petitions were also presented by the clothiers of Suffolk and Essex and by several merchants of London, to the effect that this bill would greatly interfere with their settled trade. *C. J.*, X. 382.

¹¹ For an account of the troubled relations between Jamaica and the Royal African Co., see Beer, *Old Colonial System*, pt. I., vol. I., pp. 353-366, 373, 377.

¹² Appointed in 1673. In 1676 he had been reprimanded by the government for failing to support the monopoly of the company, and instructed to make secure in the future the privileges of its charter. *Ibid.*, pp. 372-373.

cargo as prize; and condemned the same, to the loss and damage of seven thousand pounds sterling, besides interest; which oppression and grievance is maintained by the said Affrican Company; and the confederates, or most of them, being beyond the seas, so that the petitioners cannot have any remedy at law, and are therefore necessitated to crave the assistance of this House for justice, relief, and reparation.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for securing the trade to the Royal Affrican Company of England is committed.

Resolved, that the House will upon, Wednesday morning next, at ten of the clock, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*, p. 382.)

Apr. 22, HC. A petition of the merchants and planters, trading to, and interested in, the island of Barbadoes, was read; setting forth, that the trade to Guiny, and from thence to the West-Indies, as it is now driven amongst a select number of men, is very prejudicial to the West-Indies; and very much hinders the increase of shipping, and the expence of the manufactures of this nation; and therefore a very advantageous regulation may be made in the said trade: and praying, they may be heard against the confirmation of the present company, and proposals for a better, more beneficial and equal establishment.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for the better securing the trade to the Royal Affrican Company is referred. (*Ibid.*, p. 383.)

Apr. 23, HC. Resolved, that this House will, upon Saturday morning next, at ten a clock, resolve itself into a committee of the whole House, to consider of the bill for better securing the trade to the Royal African Company. (*Ibid.*, p. 386.)

Apr. 25, HC. Resolved, that Mr. Speaker do leave the chair, to the end the committee of the whole House may proceed upon the bill for granting to their Majesties a subsidy of tonage and poundage, and other sums of money payable upon merchandize exported and imported. . . .

Mr. Chancellor of the Exchequer reports from the committee of the whole House, that they had agreed to the said bill, with some amendments; which they had directed him to report to the House: and he read the same in his place, with the coherence; and afterwards, delivered them in at the clerk's table: where the same were once read throughout; and afterwards a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the said bill, with the amendments and clause,¹⁸ be ingrossed. (*Ibid.*, p. 390.)

Apr. 26, HC. Resolved, that the House will, upon Tuesday morning next, at ten of the clock, resolve itself into a committee of the whole House, to consider of the bill for the better securing the trade to the Royal African Company. (*Ibid.*, p. 391.)

Apr. 28, HC. A bill for confirming, to the Governor and Company trading to Hudson's-Bay, their privileges and trade, was read the second time.

¹⁸ Extending the time for a certain importation of Spanish brandy.

Resolved, that the bill be committed to Mr. Hutchinson, Sir Humph. Forster, Mr. Slater, Mr. Foley, Mr. Burdet, Sir John Ernly, Sir John Bolls, Sir Edw. Abney, Colonel Birch, Sir Rob. Daverse, Mr. Morland, Sir Gilbert Clerke, Sir Thom. Hussey, Mr. Gray, Sir Jos. Tredenham, Mr. Guy, Sir Sam. Bernadiston, Sir Carbury Price, Sir Math. Andrewes, Sir Robert Edon, Mr. Blowfeild, Mr. Cooke, Mr. Herne, Sir Tho. Littleton, Mr. Pitts, Sir John Dorrell, Sir John Chichly, Mr. Arnold, Mr. Sherrard, Mr. Bowyer, Sir Jac. Ashley, Mr. Hedger, Mr. Fenwick, Mr. Harcourt, Sir Orlan. Gee, Mr. Price, Mr. Godolphin, Mr. Colt, Mr. England, Mr. Greenfeild, Mr. Perry, Sir Cha. Raleigh, Sir Wm. Langhan, Mr. Parker; and all the members of the House that are merchants; and that serve for the City of London; and that are of the long robe: and they are to meet to-morrow in the afternoon at three of the clock, in the Speaker's Chamber. (*C. J.*, X. 392.)

Apr. 28, HC. A petition of the master, warden, and assistants of the Company of Feltmakers of the City of London, was read; setting forth, that the confirming the charter of the Hudson's-Bay Company by act of Parliament will tend to the monopolizing the sole use and trade to those parts in their own hands; which will quite ruin the Russia trade, and be a great hindrance to the petitioners, and the whole trade of feltmaking in England: and praying the petitioners may have a copy of the said company's charter delivered to them, in order to enable them to give their further reasons against the said bill, before the same doth pass.

Ordered, that the consideration of the said petition be referred to the committee to whom the bill for confirming, to the Governor and Company trading to Hudson's-Bay, their privileges and trade, is committed. (*Ibid.*)

Apr. 28, HC. An ingrossed bill for settling the customs upon their Majesties, was read the third time.

Resolved, that the bill do pass: and that the title thereof be, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandize exported and imported.

Ordered, that Mr. Chancellor of the Exchequer do carry the bill up to the Lords; and desire their concurrence thereunto.¹⁴ (*Ibid.*)

Apr. 28, HL. *Hodie ia vice lecta est billa.* An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported. (*L. J.*, XIV. 477.)

Apr. 29, HC. A petition of Thomas Byfeild, and others, owners of the ship *Henry and William*, was read; setting-forth, that, in May 1683, the petitioners bought and fitted out the said ship for the coast of Africa, whither she set sail; but, not being designed to trade in any parts to which that company trades, that the said ship and cargo, in her voyage upon the high sea, before she came near any of their ports, was taken by Captain Castle, commander of the *Orange-Tree*; and afterwards, delivered to Hen. Nurse, the company's agent; and by him condemned, and made prize, and the master and seamen made prisoners, to the damage of the petitioners three thousand pounds: and praying the consideration and relief of the House in the premises.

¹⁴ *L. J.*, XIV. 476.

Ordered, that the consideration of the said petition be referred to the committee, to whom the bill for securing the trade to the Royal African Company of England is committed.

Resolved, that this House will, upon Thursday morning next, at ten a clock, resolve itself into a committee of the whole House, to consider of the bill for securing the trade to the Royal African Company. (*C. J.*, X. 393.)

Apr. 29, HL. *Hodie 2a vice lecta est billa*, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money, upon merchandizes exported and imported.

Ordered, that this bill be read the third time to-morrow morning. (*L. J.*, XIV. 478.)

Apr. 30, HL. *Hodie 3a vice lecta est billa*, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money, upon merchandize exported and imported.

The question being put, whether this bill shall pass into a law?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Coke and Sir John Franklyn:

To acquaint them, that the Lords have passed the bill for granting to their Majesties a subsidy of tonnage and poundage.¹⁵ (*Ibid.*, p. 479.)

Apr. 30, HC. A petition of Benj. Rawlins was read; setting-forth, that the petitioner, being upon the coast of Africa, on board the *Alligator* sloop, whereof he was commander, was, twenty-sixth February 1686, taken in Taccarada¹⁶ Road, by the ship *Princess Anne*, belonging to and under the commission of the African Company; and, with the petitioner, as prisoner, carried to Cape-Coast, and from thence to the island of Barbadoes; where the petitioner was detained five months; and forced, upon his release, to pay five pounds for his prison-fees: and praying to have satisfaction from the said Royal African Company, for the loss of the said ship and loading, and his imprisonment.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for the better securing the trade to the Royal African Company is committed. (*C. J.*, X. 394.)

May 1, HC. Resolved, that the House will, upon Tuesday morning next, at ten of the clock, resolve itself into a committee of the whole House, to consider of the bill for the better securing the trade to the Royal African Company. (*Ibid.*, p. 397.)

May 5, HC. A petition of Robert Bodington, and others, was read; setting-forth, that the petitioners were interested in three-fourths of the ship *Expectation*, burden eighty ton; which ship, in 1683, they fitted for a voyage, with a cargo amounting to two thousand pounds: but the said ship, proceeding in her intended voyage, was, in June following, seized, and taken at sea near Hudson's Streights (without the limits of the Hudson's [Bay] Company's charter) by a ship belonging to them, by the direction of the committee of the said company: and, in bringing the said

¹⁵ *C. J.*, X. 395. The royal assent was given on May 2. *Ibid.*, p. 398; *L. J.*, XIV. 482.

¹⁶ Takurada, on the Gold Coast, a few miles east of Cape Three Points.

ship and cargo to their bay, the ship, by the unskilfulness of those persons they put on board her, was cast away, and the cargo totally lost: that the petitioners have applied themselves to the said company for satisfaction; but could have no redress; but, on the contrary, have been indicted in the Crown-Office, upon pretence of infringing their charter: and praying, that satisfaction may be given them for such their losses; and that they may be heard by their counsel, before the bill lying before the House, for the establishing the said company, doth pass.

Ordered, that the consideration of the said petition be referred to the committee to whom the bill for confirming to the Governor and Company, trading to Hudson's Bay, their privileges and trade, is committed: and the said committee are revived: and are to meet this afternoon at three of the clock. (*C. J.*, X. 401.)

May 6, HC. Ordered, that the bill for the better securing the trade to the Royal African Company be committed to a select committee: and that the consideration of the several petitions, which have been presented to the House, and were referred to the committee of the whole House to whom that bill was committed, be referred to the said select committee.

And it is referred to Sir Tho. Clarges, Sir Tho. Vernon, Sir Christopher Musgrave, Mr. Godolphin, Sir John Cotton, Sir John Raymond, Sir Rob. Davers, Sir Sam. Dashwood, Mr. Gwyn, Mr. Morland, Mr. Morgan, Sir Cha. Keymis, Mr. Cary, Mr. Blowfeild, Mr. Hutchinson, Mr. Fuller, Serjeant Wogan, Mr. England, Mr. Christy, Sir Fra. Blake, Sir Tho. Darcy, Mr. Waller, Mr. Brewer, Sir Car. Price, Sir Robert Edon, Sir John Knight, Mr. Gilbert, Sir Peter Coryton, Sir John Bancks, Sir Rob. Clayton, Mr. Jennings, Mr. Harcourt, Sir Orl. Gee, Mr. Onslow, Mr. Burrard, Mr. Done, Colonel Birch, Mr. Preston, Sir Jos. Tredenham, Sir Tho. Hussey, Mr. Palmes, Colonel Austin, Sir Jervas Elwes, Sir Wilfred Lawson, Mr. Waller, Mr. Cooke, Mr. Onslow, Mr. Dolben, Mr. Ryder, Mr. Thornhaugh, Mr. Kenyon, Mr. Gray, Sir Wm. Whitlock, Mr. Tempest, Mr. Greenfeild, Sir Vere Fane, Mr. Lampton, Sir Jos. Williamson, Sir Benj. Newland, Mr. Herne, Sir Wm. Turner, Mr. Etterick: and all that come are to have voices: and they are to meet this afternoon at three of the clock, in the Speaker's Chamber. (*Ibid.*, p. 405.)

May 10, HC. Sir Robert Napier reports from the committee to whom the bill for confirming to the Governor and Company trading to Hudson's Bay, their privileges and trade, was committed, that they had agreed to the bill, with several amendments: which they had directed him to report to the House: and he read the same, with the coherence, in his place; and afterwards, delivered them in at the clerk's table: where they were once read throughout; and afterwards, a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 410.)

May 13, HC. A petition of several merchants trading to New York and New England was read; setting-forth, that the petitioners are not without hopes, that Canida, by the assistance of the government in the aforesaid colonies, may be again reduced to the obedience of this crown; but that they are much discouraged by the bill before this House, for

establishing a boundless charter with sovereign power, granted to the Hudson's-Bay Company by King Charles the Second, upon false suggestions; which, if confirmed by act of Parliament, may prove very destructive to the trade of England, and the said colonies: and praying to be heard by their counsel against the said bill, before the same doth pass.

Resolved, that the said petition be rejected.¹⁷ (*Ibid.*, p. 412.)

May 13, HC. An ingrossed bill, for the confirming to the Governor and Company trading to Hudson's-Bay their privileges and trade, was read the third time.

An ingrossed proviso was offered as a rider, to be added to the bill, for the bill to continue for _____, and no longer: which proviso was twice read.

And the question being put, that the blank be filled up with these words, "seven years; and from thence to the end of the next session of Parliament";

The House divided.

The yeas go forth.

Tellers for the yeas, Sir Cha. Windham, Mr. Bowyer, 80.

Tellers for the noes, Sir Edm. Jennings, Mr. Christy, 112.

So it passed in the negative.

Resolved, that the said blank be filled up with these words, "fourteen years; and from thence to the end of the next session of Parliament".

And the same was filled up at the table accordingly; and read the third time.

Resolved, that the said clause be made part of the bill.¹⁸

Resolved, that the bill do pass: and that the title thereof be, An act for confirming to the Governor and Company trading to Hudson's-Bay, their privileges and trade.

Ordered, that Sir Robert Napier do carry the said bill to the Lords; and desire their concurrence thereunto. (*Ibid.*)

May 13, HL. A message was brought from the House of Commons, by Sir Robert Napper and others:

Who brought up a bill, intituled, An act for the confirming to the Governor and Company trading to Hudson's Bay their privileges and trade.

Hodie 1a vice lecta est billa, An act for the confirming to the Governor and Company trading to Hudson's Bay their privileges and trade. (*L. J.*, XIV. 495.)

May 14, HL. *2a vice lecta est billa*, An act for confirming the Governor and Company trading to Hudson's Bay, their privileges and trade.

Ordered, that the consideration of this bill is committed to these Lords following, who are to hear all persons:

D. Bolton, L. Steward,¹⁹ Comes Bedford, Comes Bridgewater, Comes Bristoll, Comes Mulgrave, Comes Rivers, Comes Stamford, Comes Kingston, Comes Bath, Comes Craven, Comes Burlington, Comes Feversham, Comes Macclesfeild, Comes Nottingham, Comes Rochester, Comes Abing-

¹⁷ The petitioners were more successful before the Lords; see *post*.

¹⁸ As will be seen, the amendment of the House of Lords, fixing the period at seven years, was finally accepted.

¹⁹ William, Duke of Devonshire.

don, *Comes* Fauconberge, *Comes* Monmouth, *Comes* Montagu, *Comes* Marlborough, *Comes* Warrington, *Comes* Scarborough, Viscount Newport, Viscount Weymouth, Viscount Sidney, L. Bp. London, L. Bp. Winton, L. Bp. St. David's, L. Bp. Sarum, L. Bp. Worcest., *Ds.* Ferrers, *Ds.* North, *Ds.* Chandois, *Ds.* Sidney, *Ds.* Lovelace, *Ds.* Herbert, *Ds.* Leigh, *Ds.* Jermyn, *Ds.* Byron, *Ds.* Colpeper, *Ds.* Clifford, *Ds.* Cornwallis, *Ds.* Crew, *Ds.* Ossulston, *Ds.* Dartmouth, *Ds.* Godolphin, *Ds.* Cholmondley, *Ds.* Ashburnham.

Their Lordships, or any three of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please.

Upon reading the petition of some merchants trading to New Yorke;²⁰ praying, that they may be heard, before the passing of the bill, intituled, An act for confirming the Governor and Company trading to Hudson's Bay, their privileges and trade:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard, by their counsel, to-morrow, at nine of the clock in the forenoon, before the committee to whom the bill is referred. (*L. J.*, XIV. 497.)

May 14, HL. To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.

The humble petition of the merchants of London tradeing to New-York and New-England.

Sheweth that New-York and New-England are English colonies and take off vast quantities of the manufactorie of this kingdome (as by the custome-house books will appeare) the cheif returnes for which is beavor and other furs.

That the trade of these colonies doth imploy a great quantity of shipping and next to the Newcastle trade (now the French have in effect beat us out of our Newfoundland fishery)²¹ is the greatest nursery for seamen this kingdom hath left.

That Nova-Scotia or Acadia now part of Cannida adjoyning to the territoryes of Hudsons bay was formerly an English colony, untill by a treaty between the two crownes of England and France it was delivered into the hands of the French att termes agreed on, which termes was never complied with.²²

That your petitioners are well assured of the settlement and strength of these colonyes and that there is att this time nothing wanting to make his Majesty master of all the French interest in those parts and thereby of the sole trade of beavor and all furrs but his comission for goverment and comands to that end.

But that they are very much surprized att a bill passed the honourable Howse of Commons and sent up to your Lordships to establish a bound-

²⁰ See next entry for the text.

²¹ Some figures showing the decline of the English fisheries in Newfoundland at this time, because of unsuccessful competition with the French, are given in Beer, *Old Colonial System*, pt. I., vol. II., pp. 227-229.

²² Treaty of Breda, 1667; see F. G. Davenport, *Treaties*, II., doc. 58.

less charter with sovereign power granted by King Charles the Second to the Hudsons Bay Company (a small number of men with an inconsiderable stock and no wayes servicable to the nation) upon a mistaken suggestion they would discover a new passage into the South Seas, when in truth there is noe such passage yet discovered but under this covert an useless monopoly set up which if established by act of Parliament will not only deprive the colonyes of the whole trade of furs and soe destroy the trade of this nation, but also settle the French interest in those parts to that degree that it will not be in the power of the English nation ever to remove them.

Your petitioners therefore humbly pray to be heard att the barr of this honourable Howse before the bill soe destructive to this nation for confirming this companies charter shall pass.

And your petitioners shall ever pray etc.

H. SLOUGHTER	GERARD VAN HEYTHUYSEN	GILBART BANT
HUMPH. EDWIN	FRANCIS TIERENS	VALENTINE CRUGER
JOSEPH DUDLEY	THOS. CROME	THO LANE
JONATHAN DAVIS	JER. JOHNSON	THO. PHIPP
JAMES FYTON	RO'T HACKSHAW	WILLM. ANTELBY
JOHN JACKSON	SAM'LL BALL	

(MSS. of the House of Lords.)²³

May 15, HL. The Earl of Rochester reported from the committee, the bill, intituled, An act for confirming to the Governor and Company of Hudson's Bay their privileges and trade; and gave the House an account, that they had heard counsel for the bill, and also the New Yorke merchants against the bill; and that they thought fit to pass it, with one amendment.²⁴

Which was read twice, and agreed to.

3a vice lecta est billa, An act for confirming to the Governor and Company of Hudson's Bay their privileges and trade.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

²³ Calendared in Hist. MSS. Comm., *Thirteenth Rept.*, App., pt. V., p. 73. Here the first name to the petition is spelled "Slaughter", and the last name is given as "Artelby". The petition is endorsed: "New Yorkes Merchants Pet. agst. Hudsons Bay Bill reade 14 May 1690."

²⁴ May 15 (in committee on bill for confirming the charter of the Hudson's Bay Company) *Mr. Phipps* offered exceptions in writing to the Hudson's Bay Charter, which were read and delivered in.

Mr. Serjeant Thompson (for the bill): The trade is of great advantage to England and it cannot be managed but by a company, for if the trade be laid open, it will certainly be lost, for private persons will not trade in difficult times. It stands the company in considerable sums of money to maintain our fortresses, by which we carry on our trade.

Mr. Squib (for the bill): It has cost the company £15,000 to retake the colony from the French. They have been at £200,000 charge. There are 105 shares in the company. Any of the company that has £100 in stock has a vote. They can take any man into the company that they please.

Reasons, from some other persons, in writing against the bill are offered and read. They pray that a clause may be added relating to beaver. They withdraw. The bill is read by paragraphs. Sk. 5, line 2 for "fourteen" read "seven". *Ibid.*

A message was sent to the House of Commons, by Sir Miles Coke and Sir Wm. Lacon Childe:

To carry down the said bill, and desire their concurrence to the amendment. (*L. J.*, XIV. 498.)

May 15, HC. Ordered, that the petition of John Thrale, and John Tutt, against the Royal African Company, formerly read, and ordered to lie upon the table,²⁵ be referred to the committee, to whom the bill for the better securing the trade to the Royal Affrican Company is committed. (*C. J.*, X. 415.)

May 16, HC. A message from the Lords, by Sir Miles Cooke and Sir James Astry;

Mr. Speaker, the Lords have agreed to the bill, intituled, An act for confirming to the Governor and Company, trading to Hudson's-Bay, their privileges and trade; with an amendment: to which they desire the concurrence of this House.

And then the messengers withdrew.

Then the said amendment was twice read; and, upon the question put thereupon, agreed unto by the House; and is as followeth;

Press 5, line 2, instead of "fourteen", read "seven".

Ordered, that Sir Robert Napier do carry the bill to the Lords; and acquaint them, that this House hath agreed to the said amendment.²⁶ (*Ibid.*, p. 416.)²⁷

Session of October 2, 1690–January 5, 1690/1 (2 Gul. et Mar.).

1690.

Oct. 17, HC. A petition of the Royal Affrican Company of England was read; setting forth, that the petitioners have, by their great charge for many years past, preserved to this nation the trade in Affrica, from the port of Salley, to Cape de Bona Esperanza, under letters patents from the late King Charles the Second; whereby they have not only improved the manufactories of this nation; but, from the large credit the company have given to their Majesties plantations, the said trade hath produced an increase of wealth and navigation to the kingdom, and revenue to the crown: but there arising disputes about the powers granted to the said company by the letters patents, whereby they are disturbed in their trade: and praying, that they may have leave to offer a bill for confirming to the petitioners their charter and trade.

Ordered, that a committee be appointed to consider of the Affrican trade; and how the same may be best settled for the benefit of the nation; and to report their opinions therein to the House.

²⁵ Apr. 15, *ante*.

²⁶ *L. J.*, XIV. 501. The royal assent was given May 20. *Ibid.*, p. 504; *C. J.*, X. 422.

²⁷ On May 19, the General Pardon Bill was presented by his Majesty's command to the Lords, who passed it on the following day (*L. J.*, XIV. 502-503). It was received by the Commons May 22, and on May 23 was passed and given royal assent (*C. J.*, X. 423, 424). By a provision of section 9, there were excepted from the benefit of the act "all such Persons who after Conviction or Attainder of or for any manner of Felony have desired to be transported into any of their Majesties Forreigne Plantations". 2 Gul. et Mar. c. 10; *Statutes*, VI. 178.

And it is referred unto Sir Cha. Porter, Sir Benj. Newland, Mr. Etterick, Mr. Pitts, Sir Rob. Nappier, Sir Wm. Strickland, Mr. Perry, Sir Peter Coryton, Mr. Baile, Sir John Guise, Sir Math. Andrewes, Sir Walter Young, Sir Rob. Rich, Mr. Christy, Mr. Jeffryes, Mr. Henly, Mr. Hutcheson, Sir Edw. Seymor, Mr. Buscawen, Lord Cheny,¹ Mr. Lewes, Sir John Banks, Mr. Papillion, Lord Cheny, Sir Jervas Elwes, Sir Tho. Clarges, Sir Tho. Vernon, Sir Phil. Skippon, Sir Rob. Davers, Mr. Godolphin, Mr. Goldwell, Mr. Slater, Sir Tho. Hussey, Sir Cha. Bloys, Mr. Clarke, Mr. Onslow, Mr. Brockman, Mr. Burdett, Sir Sam. Bernadiston, Sir Wm. Thomson, Mr. Robinson, Mr. Burrard, Mr. Arnold, Mr. Chetwynd, Sir Tho. Pope Blunt, Mr. Dyott, Sir Jos. Herne, Mr. Dolben, Mr. Fawkes, Mr. Brewer, Mr. Gray, Mr. Ryder, Sir Jos. Williamson, Mr. Fenwick, Sir Sam. Dashwood, Sir Wm. Whitlock: and all that come are to have voices: and they are to meet to-morrow in the afternoon at three of the clock, in the Speaker's Chamber. (*C. J.*, X. 444.)

Oct. 21, HC. A petition of the merchants and planters of Jamaica was read; setting forth, that the petitioners having been grievously oppressed by the present Affrican Company;² and being very sensible of the great advantage it will be to the manufactures, navigation, and revenue of England, to have the said trade brought under a regulation, whereby every one may have the freedom of trade thither; and praying, that they may be heard against the present African Company, for the settlement of a more equal and beneficial trade to Guinea, under a regulated company.

Ordered, that the examination and consideration of the said petition be referred to the committee appointed to consider of the African trade, and how the same may be best settled for the benefit of the nation; and to report their opinions therein to the House.³ (*Ibid.*, p. 448.)

Oct. 30, HC. A petition of the merchants and planters of the island of Barbadoes, was read; setting forth, that the trade which the Affrican Company have possessed, and ingrossed to themselves, is to the great diminution of the customs and revenue of the crown; to the great damage and discouragement of the manufactures of this kingdom; to the lessening its commerce and navigation; and to the impoverishment, and almost utter ruin, of the American colonies: and the said company have assumed to themselves a power to seize, and convert to their own use, the ships and lading of any trading to or from those coasts: and praying, that the monopoly may no longer be continued, but the said trade left free and open, or under such a regulation, as may remove the aforesaid mischiefs.

Ordered, that the consideration of the said petition be referred to the committee appointed to consider of the Affrican trade; and how the same

¹ This and the Lord Cheny referred to below were one and the same, Charles Lord Cheyne, M. P. for Newport, who later served for Harwich.

² *Cal. St. P. Col.*, 1689-1692, pp. 106, 134, 135.

³ A petition was presented this day from the clothiers of Suffolk and Essex and, on Oct. 22, from the city of Exeter, praying that the woollen trade to Africa be no longer restricted to the Royal African Company. On Nov. 1 the cutlers of Hallamshire likewise protested against the monopoly of the ivory trade in the hands of the same company. These petitions were referred to the same committee. *C. J.*, X. 448, 449, 459.

may be best settled for the benefit of the nation: and they are to report their opinions therein to the House. (*C. J.*, X. 456.)

Oct 31, HC. A petition of divers merchants, trading to the West-Indies, East-Country, Newcastle, etc. was read; setting forth, that, by reason of the great occasion of seamen to man their Majesties fleet, a considerable part of the trade of the nation is much obstructed; and will be more, unless a more considerable number of ships go yearly out than can be permitted, in this exigency, manned, according to the act of navigation:⁴ that, for the same reason, great part of the shipping, belonging to England, lie by the walls; whilst merchants are under necessity of employing foreign ships in several trades, to the damage of the nation, and advantage of strangers: and praying leave, that a bill might be brought in for suspending (during the war with France, and some few months after)⁵ that part of the act of navigation, which obliges our ships to sail with Englishmen.

O[r]dered, that a bill be brought in accordingly: and it is referred to Sir Tho. Clarges, Sir Tho. Hussey, Sir John Guise, Mr. Papillion, Mr. Bickerstaffe, Sir Tho. Vernon, Mr. Perry, Mr. Bowyer, Sir Sam. Bernadiston, Sir Rob. Nappier, Mr. Brownlow, or any three of them, to prepare the said bill. And it is recommended to Sir Tho. Clarges to take care therein. (*Ibid.*, p. 457.)

Nov. 12, HC. A bill for suspending, during the war with France, that part of the act of navigation which obliges English ships to sail with English seamen, was, according to order, presented to the House; and received.

Ordered, that the said bill be read to-morrow morning.⁶ (*Ibid.*, p. 468.)

Nov. 13, HC. Ordered, that the bill for suspending, during the war with France, that part of the act of navigation which obliges English ships to sail with English seamen, be read to-morrow morning at ten a clock; and nothing to intervene. (*Ibid.*, p. 470.)

Nov. 14, HC. A bill to suspend, during the war with France, that part of the act of navigation, which obliges English ships to sail with English seamen, was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 471.)

Nov. 18, HC. A bill to suspend, during the war with France, that part of the act of navigation, which obliges English ships to sail with English seamen, was read a second time.

Resolved, that the bill be committed to Sir Rob. Davers, Mr. Hawtry,⁷ Sir Tho. Vernon, Sir Fran. Vincent, Mr. Papillion, Mr. Bowyer, Sir Tho. Clarges, Mr. Pollexfen, Sir Jos. Herne, Mr. Holt, Mr. Bickerstaffe, Sir Rich. Onslow, Mr. Brockman, Sir Peter Colleton, Sir Robert Cotton,

⁴ The master and three-fourths of the crew had to be English.

⁵ This war was the result of the overthrow of James II.

⁶ Through disagreement with the Lords concerning amendments made by the latter, this bill failed to pass.

⁷ The same name below is an apparent repetition; the only member of this name in this Parliament was Ralph Hawtry, for Middlesex. There was likewise but one Sir Robert Cotton in the House.

Mr. Clerke, Sir Gilbert Clerke, Mr. Harley, Lord Ranelagh, Sir Cha. Bloys, Sir Rob. Rich, Lord Cornbury, Mr. Gwyn, Major Vincent, Lord Falkland, Sir Rich. Hart, Mr. Fenwick, Mr. Harcourt, Sir Rob. Clayton, Mr. Bale, Sir Benj. Newland, Mr. Perry, Sir Rich. Temple, Sir Wm. Ellis, Mr. England, Sir Rob. Cotton, Mr. Freeman, Mr. Hedger, Mr. Hawtry, Sir Christopher Musgrave, Mr. Chancellor Exchequer,⁸ Mr. Godolphin, Sir Math. Andrews, Mr. Cooke, Colonel Birch, Sir John Thomson, Mr. Chadwick, Mr. Burrard, Mr. Foley, Mr. Sandford, Mr. Arnold, Mr. Greenville, Mr. Buscawen, Mr. Brereton, Sir Cha. Wyndham: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber: and it is to be an instruction to the committee, that they leave out all the clause touching foreign-built ships, except such as shall be licensed by his Majesty in Council for bringing in stores for the use of their Majesties navy, and no other. (*Ibid.*, pp. 474-475.)

Nov. 24, HC. Ordered, that the report from the committee to whom it was referred to consider of the African trade, and how the same may be best settled for the benefit of the nation, be made upon Wednesday morning next. (*Ibid.*, p. 480.)

Nov. 24, HC. A petition of the merchants trading to, and planters concerned at, their Majesties sugar-plantations, was presented to the House.

And the same relating to the bill for encouraging distilling of brandy from corn;

Ordered, that the said petition be read, when the said bill comes to be read a second time.⁹ (*Ibid.*)

Nov. 24, HC. Then the House resolved into a committee of the whole House, to consider further of ways and means for raising the supplies to be granted to their Majesties. . . .

Mr. Solicitor-General¹⁰ reports from the said committee, that they had agreed upon several resolutions: which they had directed him to report to the House: and which he read in his place; and afterwards, delivered in at the clerk's table: where the same were read; and are as followeth; viz. . . .¹¹

Resolved, that it is the opinion of this committee, that the duty imposed upon tobacco, by an act made in the first year of the late King James, intituled, An act for granting to his Majesty an imposition upon all tobacco and sugar imported between the twenty-fourth day of June

⁸ Richard Hampden, 1690-1694.

⁹ This bill was ordered Oct. 27, and was given its first reading Nov. 6 (*C. J.*, X. 454, 462). A new bill of the same import was presented Dec. 12 (*ibid.*, pp. 502, 503). Before it was reported this petition was again presented and read (*post*, pp. 39, 42), but it received no favorable consideration, since the act as passed compelled distillers to draw their spirits from corn, without any mixture of molasses, and placed a high duty on low wines drawn from plantation and home-made molasses. 2 Gul. et Mar., sess. 2, c. 9; *Statutes*, VI. 236.

¹⁰ Sir John Somers.

¹¹ Resolutions were offered proposing that duties be continued upon wines and vinegar, on French linen, East India linen, and several other manufactures of India; and on all French silks, and on all brandies.

1685, and the twenty-fourth day of June 1693,¹² be continued until the twenty-fourth day of June 1696, and no longer.¹³

And the said resolutions being severally read a second time;

They were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill or bills be brought in for granting to their Majesties the several duties and impositions upon the several heads resolved upon by the House: and it is recommended to Mr. Attorney General,¹⁴ and Mr. Solicitor General, to prepare and bring in the same. . . . (C. J., X. 481.)

Nov. 26, HC. Sir Peter Colliton¹⁵ reports from the committee to whom it was referred to consider of the Affrican trade, and how the same might be best managed for the benefit of the nation, that the committee had met several times, and heard the Affrican Company and their witnesses, and also their counsel: who alleged, that the company had eight forts within the territory, whereof the sole trade was granted to them; *viz.*, three in the north parts of Guinea, and five on the Gold-Coast; and that the maintenance of these forts stood them in from nineteen to twenty thousand pounds per annum: that without these forts the trade could not be carried on or secured to the nation; and those forts could not be maintained but by a joint-stock: and that they exported for the said trade from eighty to one hundred thousand pounds annually: and that the said trade would take off no more goods, their ships oftentimes bringing back part of their cargoes: and that the Dutch and other nations had forts, and traded in a joint-stock.

That the committee also heard the petitioners against the company, and their witnesses: who alleged, that from the northern limits of the territory, whereof the sole trade is granted by charter to the company, under penalty of forfeiture to any others that shall trade there to James-Island in the river of Gambia, where the present company's first fort and factory is placed, is about one thousand miles: in which space are several ports and rivers for trade unfrequented by the company, and where all other nations do or may trade; but no Englishman may trade there, unless by licence of the Affrican Company, under penalty of forfeiture.

That in the said river of Gambia the French have a factory over-against the said company's fort, and another sixty miles farther up that

¹² 1 Jac. II. c. 4; see vol. I. of this series, pp. 423-431. That act imposed an additional duty of 3 d. a pound on colonial tobacco, and 6 d. on the foreign product, making a total duty of 5 d. on the former and 1 s. on the latter. Muscovado sugar paid additional duties of one farthing per pound, if of the plantations, one halfpenny if foreign; white or refined sugar from the plantations was made to pay an additional three-fourths of a penny, as against 1¼ d. laid on the foreign product. Beer, *Old Colonial System*, pt. I., vol. I., pp. 160-161.

¹³ On Oct. 21 a resolution of this committee was agreed to, that an additional duty of £10 for every £100 value be laid upon all grocery-wares, except sugar and tobacco, and upon all drugs imported after Oct. 20, 1690 (C. J., X. 449). This was made a clause of 2 Gul. et Mar., sess. 2, c. 4. That act also embodied another resolution of this committee, imposing an additional duty of 8 s. per cwt. upon molasses imported from any other place than the plantations in America. *Ibid.*, p. 479; *Statutes*, VI. 221, 222.

¹⁴ Sir George Treby.

¹⁵ A factor in Barbados of the Company of Royal Adventurers Trading into Africa, a patentee of the Royal African Company, and once a member of the Committee of Gentlemen Planters of Barbados in England. Zook, *The Company of Royal Adventurers Trading into Africa*, p. 75; Beer, *Old Colonial System*, pt. I., vol. I., pp. 342, 349.

river; and carry on their trade without the charge of a fort there, under the protection of the king of the country; and, not having the charge of a fort upon their trade, are able to undersell the English.

From James-Island to Sierra Leone, where the company have another fort or factory, is about three hundred and sixty miles; and from Sierra Leone to Sharbro, where is another factory, is about thirty-six miles; and from Sharbro to Secondee, which is their nearest fort on the Gold-Coast, is about six hundred miles: in which space, the company have neither fort or factory: and all the said space is open and free for all nations to trade to: but the English are excluded from trading there but in the joint-stock of the company, or by licence from them; for which licence they must pay what the company pleaseth.

From Succondee to Acra, is about one hundred and fifty miles, and is called the Gold-Coast, on which coast the company have five forts or factories; whereof the said Succondee and Acra are two; and Fredricksburgh, one of them, is within gunshot of Cape-Corse, their chief fort: but that other nations, and even English interlopers, notwithstanding their danger of forfeiture, did and may trade between the said forts, and within two miles of them; which the said forts are not able to hinder.

That these forts are very weak, and the strongest cannot make resistance against two hundred Europeans, that shall land cannon, and batter them from the land; and their greatest use is to be a receptacle against thieves for the company's goods, while they have no ships on the coast; and to be a certain known fixed market, where the inland inhabitants may have European goods for their gold, and elephants teeth: but that the English interlopers, and other nations, carry on their trade safer, and as well, on board their ships; the natives coming off to them in small boats with their gold and teeth, to buy such goods, as they want; which the forts cannot hinder.

That, from Acra, the remotest fort the company have from England, to the Cape of Good Hope, which is the southermost limit of the company's charter, is about two thousand four hundred miles: in all which space, the company have no fort, nor can have none, the princes and inhabitants of those countries, being sensible of the inconveniencies of having their trade obstructed by forts, or a company in a joint-stock, not permitting them to build any; and have refused to trade with ships that have worn the company's colours, until they have taken them down, and put up others; nor do the company themselves trade to most of the vast tracts where they have no forts, but grant licences to others to trade with goods delivered them by the company; for which they have made them agree to give forty pounds per cent. certain profit to the company, before they could have licence to trade, and the company to run no hazard, but to get forty pounds per cent. although the ship be lost, or the adventurer do not sell his goods for forty pounds per cent. more than the first cost the company rated them at: by which means, any other nation, that is not under such hard conditions, are able to undersell the English, and beat them out of their trade; and the reason that some of the company's goods were not sold, but brought back again, was, because other nations did undersell them.

That, before the year 1663, in which year the English trade to Affrica was settled in a company in a joint-stock,¹⁶ exclusive to all others, the forts on the Gold-Coast were in the possession of the English East-India Company; who excluded no English ship from trading on the coast for what they could, without paying the said East-India Company any thing for it: notwithstanding which, the East-India Company maintained the said forts out of the profit of the trade; and were very willing to have continued so to do.¹⁷

That, from the year 1665 to the year 1672, the Affrican Company did set out few or no ships themselves, but carried on the trade to Affrica after the manner of a regulated company, permitting all ships to trade to the Gold-Coast, and southern parts of Affrica, paying to the said company three pounds per ton for such licence; and with which they maintained the forts and trade of Gambia, and north parts, to particular merchants, for two thousand pounds per annum.

That, while the forts on the Gold-Coast were in the hands of the East-India Company, before the granting the trade, in the year 1663, by King Charles the Second, to a company in a joint-stock; and afterwards, when managed by that company, after the manner of a regulated company, granting licences to all ships that would, to trade there; that there were many more English ships employed in that trade, much more of the manufacture of England exported, and the American plantations much more plentifully supplied with negroes, and at much cheaper rates, than they have been, when the trade to Affrica hath been carried on in a joint-stock, exclusive to all others.

That, while the English in general were thus at liberty to trade to Affrica, they did so undersell the Dutch, and supplied the coast so plentifully with all sorts of goods, that the Dutch factors at the Castle Delmina, confessed, if that open trade continued to the English, they should not be able to support the charge of their castles out of the profits of their trade; and must take other measures, or leave the coast: and that since the trade hath been carried on by the English in a joint-stock, exclusive to all others, the actions of the Dutch Company are risen to be four times more in value to what they were when the trade was open, and all the English in general permitted to trade there.

That the company, in a joint-stock, being the sole buyer of all the woollen and other manufactures of England, exported to that part of Affrica that is within their charter, have it, in effect, in their power, and do set what prices they please upon them; so that many have been forced to leave off making those woollen manufactures, which is very grievous and oppressive to the makers of them; and, being the sole seller of all things brought from thence, do not supply the American plantations with so many negroes as they need, and as they were supplied with when the

¹⁶ The charter of Jan. 10, to the Company of Royal Adventurers of England Trading into Africa. An earlier charter of Dec. 18, 1660, had been considered inadequate and ineffective. Zook, *op. cit.*, pp. 8-13; Scott, *Joint-Stock Companies*, II. 17-18.

¹⁷ Sir Nicholas Crisp's company, which had previously enjoyed the trading monopoly, became unable, through misfortunes and losses, to maintain its forts and factories, and leased them to the English East India Co. *Ibid.*, pp. 16-17; Zook, *op. cit.*, pp. 6-7.

trade was open; and have it, in effect, in their power to sell the negroes they bring to the plantations at what price they please; and have actually sold their negroes at above double the price they may be imported for: which is very grievous to the plantations, and may hazard the loss of the sugar-trade to England; there being several competitors for that trade; and which, at last, must fall to be [the] lot of that nation that shall be enabled to make and bring sugar cheapest to the markets of Europe; and, without negroes, the sugar-trade cannot be carried on.

That, if this trade were managed in a regulated company, with power to such a company to impose such duty on all goods exported for that trade, as by them shall, from time to time, be found necessary, the forts might be maintained out of the duty so imposed, as was done by the company from the year 1665 to the year 1672; who maintained the forts out of what each ship paid for licence to trade; and, if all men were permitted to trade that would make themselves free of such a company, and pay the said duty, the said trade would be vastly augmented and improved, to the great benefit of this nation, and increase of its navigation, and the American plantations much better supplied with negroes, to the great augmentation of the king's revenue, and wealth and trade of the nation in general; and other nations, who trade there, would be beaten out of the trade.

And that the committee, having taken into their serious considerations what had been alleged and proved by both sides, they came to several resolutions: which Sir Peter Colleton read in his place; and afterwards, delivered in at the clerk's table: where the same were read, as followeth;
viz.

Resolved, that it is the opinion of this committee, that the trade to Affrica is best for the benefit of the nation to be carried on in a regulated company.

Resolved, that it is the opinion of this committee, that forts are necessary for carrying on and securing the trade to Affrica.

The first resolution being read a second time;

Resolved, that the House doth agree with the committee in the said resolution, that the trade to Affrica is best for the benefit of the nation to be carried on in a regulated company.

The second resolution being read a second time;

Resolved, that the House doth agree with the committee in the said resolution, that forts are necessary for securing and carrying on the trade to Affrica.

Ordered, that a bill be brought in, upon the said resolutions: and it is recommended to Sir Tho. Vernon, Sir Jos. Herne, Sir Peter Colliton, Sir Benj. Newland, Mr. Papillion, Mr. Palmes, Sir Tho. Mompesson, Mr. Goldwell, Mr. Pitt; or any three of them.¹⁸ (C. J., X. 483-484.)

Nov. 26, 1690. Ordered, that the committee to whom the bill for suspending, during the war with France, that part of the act of navigation, which obliges English ships to sail with English seamen; and the bill for

¹⁸ The bill was presented and read, but did not pass.

the more effectual furnishing their Majesties navy with seamen in time of war ;¹⁹ be revived; and do sit this afternoon. (*C. J.*, X. 485.)

Nov. 27, HC. Ordered, that Captain Pitts²⁰ be added to the committee to whom the bill for suspending, during the war with France, that part of the act of navigation, which obliges English ships to sail with English seamen. (*Ibid.*, p. 486.)

Dec. 1, HC. Resolved, that an humble address be presented to the king, that his Majesty will be pleased to give effectual order for an immediate embargo to be laid on all ships, (except such ships as shall carry ammunition and provisions only to the plantations, the complement of men in such ships not to exceed five hundred men); that there may not be wanting a sufficient number of able seamen for the next year's fleet.

Ordered, that the said address be immediately presented to his Majesty, by such members of this House as are of his Majesty's most honourable Privy-Council. (*Ibid.*, p. 489.)

Dec. 3, HC. A petition of divers merchants, masters of ships, planters, and others, trading to the foreign plantations, was read; setting forth, that the plantations cannot be maintained without a considerable number of white servants, as well to keep the blacks in awe, as for bearing arms in case of an invasion: that divers malicious persons, after having voluntarily offered themselves to go servants to the plantations, and bound themselves to that purpose, and received money and cloaths for their several voyages, have pretended themselves spirited away, contrary to their wills; and have caused the merchants entertaining them to be prosecuted as trepanners: to prevent which abuses, the merchants petitioned King Charles the Second for, and had an office erected for binding all such servants, and registering their consents: and, conceiving, that the confirmation of, and establishing the said office by act of Parliament, will be of great use and encouragement to the plantation-trade, and praying leave to bring in a bill, to establish the said office by act of Parliament, with such fees as shall be thought convenient.

Ordered, that leave be given to bring in a bill accordingly.²¹ (*Ibid.*, p. 493.)

Dec. 3, HC. Mr. Harbord²² acquainted the House, that he, according to their order, had presented to his Majesty the address, that his Majesty would be pleased to give effectual order for an immediate embargo to be

¹⁹ The omission is in the *Journals*.

²⁰ Thomas Pitt, M. P. for Salisbury.

²¹ The bill was not presented. Because of the evils of kidnapping and forcible transportation connected with the indentured-servant traffic, an office was created in 1664 for registering the contracts of such servants. The practice here complained of next arose; and in 1682 the King in Council established the following rules for controlling the system: such servants were to execute an indenture in the presence of certain appointed magistrates; an alphabetical record of this proceeding was to be kept; all above the age of 21 were to satisfy a justice of the peace, or the mayor of the shipping town, of their free and voluntary agreement to enter into service; the consent of parents or masters was required in cases of persons under this legal age; and if the indentured servant was under the age of 14, unless his parent gave consent, he was not to be put on board ship within two weeks after his signing. *Acts P. C. Col.*, I. 384, *id.*, II. 41-43; Beer, *Old Colonial System*, pt. I., vol. I., pp. 32-34.

²² William Harbord, member of the Council.

laid upon all ships (except such ships as shall carry ammunitions and provisions only to the plantations, the complement of men in such ships not to exceed five hundred men); that there may not be wanting a sufficient number of able seamen for the next year's fleet: and that his Majesty was pleased to say in answer, that he had only permitted such ships to go away, as he thought was absolutely necessary; *viz.* two hundred men to the Barbadoes, one hundred men to Jamaica, eighty-five to the East Indies, two hundred and five to the Leeward Islands, five to the Bermudas, six to Pensilvania, eighty-eight for the African trade, and twenty-nine to Newfoundland: and that there were another sort of ships which he permitted to go; *viz.* some to the Canaries, and some to Calais;²³ whereof there is no computation of the number of men: but had ordered security to be taken of their owners, that they should come back on a certain day; and had ordered the convoys to bring them back. (*Ibid.*)

Dec. 4, HC. Mr. Attorney-General, according to order, presented to the House two bills for granting to their Majesties certain new impositions; *viz.* the one a bill for granting certain new impositions upon all East-India goods and merchandize, and other goods and merchandize, to their Majesties:²⁴ the other a bill for continuing certain impositions upon wine, vinegar, and tobacco. . . .

And the said bill for continuing certain impositions on wine, vinegar, and tobacco, was read the first time.²⁵

Resolved, that the bill be read a second time. (*Ibid.*, p. 494.)

Dec. 5, HC. Sir Peter Collyton presented to the House a bill for the settling the Affrican trade for the best benefit of the nation, according to order:²⁶ and the same was received. (*Ibid.*, p. 495.)

Dec. 5, HC. Sir Math. Andrewes reports from the committee to whom the bill for suspending, during the war with France, that part of the act of navigation which obliges English ships to sail with English seamen, that they had agreed upon several amendments to be made to the bill: which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards, delivered the same in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

And a clause being offered to be made part of the bill for liberty to export corn in English ships; the same was twice read.

Resolved, that the bill, with the said clause, be recommitted to the same committee to whom the bill was committed: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber: and it is to be an instruction to the said committee, that they do prepare and bring in a clause, that all such foreign ships, as were in the hands of Englishmen, in the year 1685, and which were allowed by the act made in the first year of the late King James, intituled, An act to encourage the build-

²³ Calais.

²⁴ 2 Gul. et Mar., sess. 2, c. 4; see note 13, *ante*.

²⁵ 2 Gul. et Mar., sess. 2, c. 5; *Statutes*, VI. 225. The substance of this act is given in the resolution of Nov. 24, *ante*.

²⁶ Of Nov. 26, *ante*.

ing of ships in England,²⁷ paying the twelve-pence per ton by the said act, be allowed, paying the same duty, to navigate with foreign seamen.

And a motion being made, and the question being put, that it be an instruction also to the said committee, that the said committee allow all ships called catts to trade for masts during the present war;

It passed in the negative. (*Ibid.*)

Dec. 5, HC. Sir Samuel Bernadiston, according to the order of the day, reported from the committee to whom the consideration of the estimates and accompts relating to the Navy, and Treasury, were referred.²⁸

And that the committee had, upon the whole accompts of the army come to their hands, made several observations, as followeth; *viz.*

8. That the Lord Ranelagh²⁹ brings in among the arrears, what was due to companies in New England, and Colonel Carne's regiment, when they were disbanded: but he gives no accompt when they were disbanded, or whether they were ever in the service of this government, or how the Lord Ranelagh his own accompt stood, when the late King James went away, by which it might have appeared, whether he had any monies then in his hand to pay them. . . . (*Ibid.*, pp. 495, 499.)

Dec. 5, HC. Then the bill for continuing certain impositions on wine, vinegar, and tobacco, was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Ordered, that the committee have power to prepare and bring in a borrowing clause to the said bill. (*Ibid.*, p. 499.)

Dec. 9, HC. A petition of the merchants and traders to Virginia and Maryland was presented to the House; and read; setting forth, that the petitioners have laid out above one hundred and fifty thousand pounds in fitting out divers ships under the repeated encouragements from the King and Council, of having a convoy and liberty for eight hundred men: that the said ships are sailed from the Downes under their convoy with their men; yet, upon the address of this House, wherein no provision is made for any ships to go to the said colony, his Majesty hath ordered a stop to be laid on them till May next, which will be a loss of forty thousand pounds at least to the concerned, besides the ruin of many inhabitants there depending on this fleet: and praying, that this House would intercede with his Majesty for taking off the said stop by embargo.³⁰ As also

Another petition of the merchants and planters trading to and concerned in the island of Barbadoes was read; setting forth, that his Majesty was pleased to permit such a number of ships to go to Barbadoes

²⁷ 1 Jac. II. c. 18; *Statutes*, VI. 20. Foreign-built ships employed in the coast trade were to pay 5 s. per ton for every voyage, and foreign ships already in English hands, 1 s., above other duties.

²⁸ *C. J.*, X. 452.

²⁹ Rufus Jones, third viscount and first earl of Ranelagh, paymaster-general, who was later accused of defalcation. In his account of payments is the item: "To the Assigns of Lord Culpepper, in lieu of Quit-Rents in Virginia, £600." (*ibid.*, p. 515). In subsequent proceedings concerning this report, there is no further reference to the New England troops. *Ibid.*, pp. 511, 515-519.

³⁰ In connection with this and the following petitions, see the address of Dec. 1, and the reply of Dec. 3, *ante*, p. 36, and *Cal. St. P. Col.*, 1699, pp. 611, 618. By order of Dec. 10, the ships were directed to sail not only for the West Indies, but also for Virginia, Maryland, New England, and other plantations. *Acts P. C. Col.*, II. 182.

as might be sailed with four hundred seamen: which encouraged to load out such ships; and they are sailed from the Downes; but that, upon the late address of this House to his Majesty, his Majesty hath thought fit to retrench the number to about half; the doing whereof, if not retrieved, will ruin many of the petitioners, and be of fatal consequence to the said plantation: and praying the interposition of this House; and that they would represent the matter to his Majesty. And also

Another petition of the merchants and planters of Jamaica was presented; and read; setting forth, that they had orders from his Majesty for two hundred seamen to proceed for Jamaica; upon which they loaded their ships, the which are sailed from the Downes; but that his Majesty, upon the address of this House, hath permitted the petitioners to have but one hundred seamen; whereby six of their vessels so sailed must return back, to the loss and ruin of the proprietors, as well as the danger of the island, for want of such supplies and praying, that the House would make such representation of the matter to his Majesty, as to them shall be thought fit.

Resolved, that the members of this House, that are of his Majesty's most honourable Privy-Council, do humbly represent the matter of the said several petitions to his Majesty; humbly beseeching his Majesty to order therein, as his Majesty, in his great wisdom, shall think fit. (*Ibid.*, pp. 502-503.)

Dec. 11, HC. Resolved, that this House will, to-morrow morning at ten of the clock, resolve itself into a committee of the whole House, to consider . . . of the bill for continuing the imposition on wine, vinegar and tobacco, to their Majesties. (*Ibid.*, p. 503.)

Dec. 13, HC. Resolved, that this House will, upon Monday morning next, at eleven a clock, resolve itself into a committee of the whole House, to consider of the bill for continuing the impositions upon wines, vinegar, and tobacco. (*Ibid.*, pp. 505-506.)

Dec. 16, HC. A petition of the merchants trading to, and planters concerned at, his Majesty's sugar plantations, was presented to the House, and read; setting forth, that, by the bill brought in to this House for the encouraging the distilling of brandy from corn, tending wholly to destroy the use of melasses or treacle in distilling of spirits, a great prejudice will happen to their Majesties, and ruin to the petitioners, and give advantage to France in the improvement of their plantations: and praying to be heard before the passing the said bill.⁸¹

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for laying several duties on low wines, or spirits of the first extraction, is committed. (*Ibid.*, p. 507.)

Dec. 16, HC. Resolved, that this House do immediately resolve itself into a committee of the whole House, to consider of the bill for continuing the impositions upon wine, vinegar, and tobacco, to their Majesties. . . .

⁸¹ See note 9, *ante*, p. 31; also entries of Dec. 24 and 30, *post*.

Mr. Solicitor-General reports from the said committee, that they had agreed upon several amendments to be made to the said bill; which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards, delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

And a borrowing clause being, according to order, offered to the House, to be added to the bill, the same was twice read; and, after some amendments proposed, and agreed unto by the House; the same was, upon the question put thereupon, agreed unto by the House, to be made part of the bill.³²

Ordered, that the bill, with the amendments and clause, be ingrossed. (C. J., X. 508.)

Dec. 17, HC. An ingrossed bill, for the continuing certain impositions upon wine, vinegar, and tobacco, was read the third time.

An amendment was proposed, that this bill might so be, that persons might lend unto their Majesties, as well upon the security of this, as upon the two former acts made in the reign of the late King James, from and after the sum of six hundred thousand pounds shall be fully paid to the States-General.

And the same was, upon the question put thereupon, agreed unto by the House; and the bill amended accordingly.

Then an ingrossed proviso was offered, as a rider; that nothing in the act shall be construed to obstruct the provision made by the act in the first year of their Majesties reign, for the payment of servants of his late Majesty King Charles, not exceeding, in the whole, sixty thousand pounds, in such manner as by the act is directed.

And the same being thrice read; the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the bill do pass: and that the title be, [An] act for the continuance of several former acts, for laying several duties upon wines, vinegar, and tobacco.

Ordered, that Mr. Solicitor-General do carry the said bill to the Lords; and desire their concurrence thereunto. (*Ibid.*, p. 511.)

Dec. 18, HL. A message was brought from the House of Commons, by Mr. Solicitor and others:

Who brought up a bill, intituled, An act for the continuance of several former acts therein mentioned, for the paying several duties upon wines, vinegar, and tobacco; to which they desire their Lordships concurrence.

Hodie 1a vice lecta est billa, An act for the continuance of several former acts therein mentioned, for the paying several duties upon wines, vinegar, and tobacco. (L. J., XIV. 596.)

Dec. 19, HL. *Hodie 2a vice lecta est billa*, An act for continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco.

³² The nature of this is explained in the next entry.

Ordered, that the said bill be committed to a committee of the whole House, presently.

The House was adjourned during pleasure, and put into a committee. The House was resumed.

And the Earl of Bridgewater reported from the committee, that they had passed the Bill, without any amendment. (*Ibid.*, p. 597.)

Dec. 20, HL. *Hodie 3a vice lecta est billa*, An act for the continuance of several former acts therein mentioned, for the several duties upon wines, vinegar, and tobacco.

The question was put, whether this bill shall pass into a law?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Adam Oatley:³³

To let them know, that this House hath passed both the said bills, without any amendment. (*Ibid.*, p. 599.)

Dec. 20, HC. Sir Matthew Andrews reports from the committee to whom the bill for suspending, during the war with France, that part of the act of navigation which obliges English ships to sail with English seamen . . . that they had agreed upon the clauses, which were re-committed to the said committee:³⁴ and he read the same in his place; and afterwards, delivered the same in at the clerk's table: where the same were twice read; and, with some amendments proposed and agreed to, upon the question put thereupon, were agreed unto by the House.

Then a clause was offered to be made part of the bill, that his Majesty, in Council, might license foreign ships for the bringing in naval stores.

And the question being put, that the clause be read;

It passed in the negative.

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, X. 514.)

Dec. 23, HC. An ingrossed bill for suspending, during the war with France, that part of the act of navigation, and also that part of the act for the exportation of corn, which obliges English ships to sail with English seamen, was read the third time

Resolved, that the bill do pass: and that the title be, An act for suspending, during the war with France, that part of the act of navigation, and also such part of the act of navigation,³⁵ and also that part of the act for the exportation of corn, which obliges English ships to sail with English seamen.

Ordered, that Sir Matthew Andrewes do carry the said bill to the Lords; and desire their concurrence thereunto. (*Ibid.*, p. 523.)

Dec. 23, HC. Ordered, that the bill touching the Affrican Company's trade be read the first time upon Monday morning next. (*Ibid.*)

Dec. 23, HL. A message was brought from the House of Commons, by Sir Mathew Andrews and others:

Who brought up a bill, intituled, An act for suspending (during the war with France) that part of the act of navigation, and also that part of

³³ *C. J.*, X. 514. The royal assent was given this same day. *Ibid.*; *L. J.*, XIV. 600.

³⁴ On Dec. 5.

³⁵ This repetition of part of the title appears in the *Journals*.

the act for exportation of corn, which obliges English ships to sail with English seamen; to which they desire their Lordships concurrence.

Hodie 1a vice lecta est billa, An act for suspending (during the war with France) that part of the act of navigation, and also that part of the act for exportation of corn, which obliges English ships to sail with English seamen. (*L. J.*, XIV. 603-604.)

Dec. 24, HC. A petition of the refiners of sugar was presented to the House, and read; setting-forth, that by a bill brought in to this House, to encourage the making brandy from corn, it is intended, that there be a prohibition or discouragement of the use of melasses by the distiller, thereby, as is supposed, to consume greater quantities of corn than now is consumed by the distillers: which bill, should it pass, will certainly abate the revenue of the crown, lessen the consumption of corn, and ruin the petitioners, and be advantageous only to some few French merchants; who have monopolized great quantities of melasses made in England, the price whereof they will greatly advance, if the distiller be discouraged: and praying to be heard by their counsel, at the bar of this House, before the said bill do pass.

And the question being put, that the petitioners be heard;

It passed in the negative.³⁶ (*C. J.*, X. 524-525.)

Dec. 29, HC. A bill for the settling of the Affrican trade was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 529.)

Dec. 29, HC. Ordered, that a clause be brought in, for supplying a defect in the clauses of credit in the bills for granting the new impositions upon East India goods, and other merchandizes, and upon wines, vinegar, and tobacco; that distinct accompts be kept of what the same shall produce.³⁷ (*Ibid.*, p. 531.)

Dec. 29, HL. *Hodie 2a vice lecta est billa*, An act for suspending (during the war with France) that part of the act of navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen.

Ordered, that the consideration of this bill is committed to the same Lords committees as the bill is to prevent false musters at sea;³⁸ and they, or any three of them, to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers. (*L. J.*, XIV. 608.)

Dec. 30, HL. Upon reading the petitions of the master, wardens, and assistants, and commonalty, of the trade, art and mystery of distillers of London;³⁹ the petition of the merchants and planters concerned in, and

³⁶ See note 9, *ante*; also entries of Dec. 16 and 30.

³⁷ Added to the bill for granting additional duties of excise upon beer, ale, and other liquors. (2 Gul. et Mar., sess. 2, c. 10; *Statutes*, VI. 242.) In a custom account, presented this day, the returns from tobacco for the year, Sept. 29, 1689-Sept. 28, 1690, were £73,601 4s. 2¼d; from Sept. 29 to Dec. 25, 1690, £31,070 11s. 7¾d. *C. J.*, X. 530.

³⁸ *L. J.*, XIV. 606.

³⁹ Calendared in Hist. MSS. Comm., *Thirteenth Rept.*, App., pt. V., p. 247. It was protested that it is impossible to draw spirits from corn (*i. e.*, grain) without a mixture of other material; that the bill would materially lessen the revenue, and ruin the distilling trade in England.

trading to, their Majesties sugar plantations;⁴⁰ and the petition of the refiners of sugar;⁴¹ all praying, that they may be heard, before the passing of the bill, intituled, An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties upon low wines or spirits of the first extraction:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard, by themselves or their counsel, at the bar of this House, thereunto, to-morrow, at ten of the clock in the forenoon. (*Ibid.*, p. 609.)

Dec. 30, HL. To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The humble petition of the merchants and planters concerned in and tradeing to their Majesties sugar plantations, sheweth

That there is a bill lately passed in the honourable House of Commons for layeing severall duties on low wines or spirits of the first extraction, whereby the following mischiefs will ensue.

Their Majesties revenue will by the consequences thereof be diminished.

The said sugar plantations, which are already loaded with great duties, and by the present war, are brought to a very great distress, will be so much discouraged, that other nations, who are rivalls with us in that trade, and use all meanes to make it easie to their subjects, will have the advantage of us, and in time beat us out of it.

The West India navigation which breeds up so many seamen, and employs so great a number of ships, will be much abated.

Many thousands whose employment depends upon refineing sugars in England will be ruined, as also many in the said sugar plantations.

The said act will not answer the ends proposed thereby to encrease the expence of corn, but will encourage the clandestine importation of foreign brandy.

All which your petitioners are ready to make out.

Wherefore your petitioners most humbly pray that your Lordships will please to admit your petitioners to be heard before the passing the said bill.

THOS. EYLE	JON. BARNARD	HENRY HALE
JOHN GARDNER	ROG. WILLING	JER. JOHNSON
SAMLL. BALL	THOMAS SONTLEY	JNO. REYNOLDS
JOSEPH PAINE	THOMAS HUNT	WM. WRAYFORD
HUMPH. SOUTH	JOSEPH MARTYN	RICH. CAREY
TIM'EY MASCOLL	BENJN. SCOTT	WM. BARNES
ROBT. HEYSHAM	JOHN PITT	GILBERT HEATHCOTE

(MSS. House of Lords.)⁴²

⁴⁰ The text is given in the next entry.

⁴¹ Calendared in Hist. MSS. Comm., *ibid.*, p. 248. It was feared that the bill, if passed, would ruin the sugar industry in the kingdom, transplanting the refining trade to Holland, Hamburg, and other foreign parts.

⁴² Endorsed: "Merchants Planters concerned in tradeing to their Ma'tyes Sugar Plantations. Reade 30 Dec. 1690." Calendared in Hist. MSS. Comm., *ibid.* See items of Nov. 24, Dec. 16, 24, 31.

Dec. 30, HL. The Earl of Bridgewater reported from the committee, the bill, intituled, An act for suspending, during the war with France, that part of the act of navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen, with several amendments.

Which were once read.

Then they were read again, to the amendment in 1 sk. 18 l. which obliges half English seamen.

After long debate thereupon,

This question was put, whether the Commissioners of the Navy and the members of Trinity House shall be heard to-morrow, at the bar?

It was resolved in the affirmative.

It is ordered, that the Commissioners of the Navy and the members of Trinity House⁴³ shall be heard, at the bar, to-morrow, at ten of the clock in the forenoon, concerning the said bill. (*L. J.*, XIV. 610.)

Dec. 31, HL. Counsel was called in, and heard, for the refiners of sugar, for the master, wardens, and assistants, of the trade, art, and mystery of distillers of London, and the merchants were heard by themselves against the bill, intituled, An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines or spirits of the first extraction. (*Ibid.*, p. 611.)

Dec. 31, HL. *Sir William Thompson* (for sugar refiners): The bill will not answer the ends designed. It will certainly lose the trade. It does not require molasses to be used. No spirits, but in making will cost 4 s. by this act. It is [now] but three.

Mr. Darnell (for same): We draw a fine syrup from the sugar, called molasses. This [bill] will diminish and not increase trade.

Mr. Ward and *Mr. Palmer* are heard for the distillers.

The Merchants are heard: The plantations are under very great hardships. (*Hist. MSS. Comm., Thirteenth Rept., App., pt. V., p. 247.*)⁴⁴

Dec. 31, HL. Then the Commissioners of the Navy and the members of Trinity House were called in, and heard, pursuant to an order yesterday, concerning the bill, intituled, An act for suspending, during the war with France, that part of the act of navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen.

And, after debate thereupon,⁴⁵ it was ordered as followeth:

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the bill, intituled, An act for suspending, during the war with France, that part of the act of navigation, and that part of the act for exportation, which obliges English ships to sail with English seamen, shall be re-

⁴³ This corporation, chartered in 1541, was charged with various naval matters.

⁴⁴ Notes on the hearing, indicated in the preceding entry, from the House of Lords MSS.

⁴⁵ On 31 Dec., before calling in the Commissioners of the Navy and the Members of Trinity House, it was proposed to ask them what inconvenience there would be by half English seamen sailing with foreigners for one year. They were then called in. *Sir Richard Haddock* says there is such a clause passed already, and reads the clause in the Act. This gives discouragement to English seamen. He is asked whether manning ships for trade with half English and half others, will not hurt the manning of the Fleet." . . . *Ibid.*, p. 248.

committed to the same committee as before; to meet to-morrow,⁴⁶ at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and that their Lordships draw a clause, to prevent any persons from harbouring of seamen;⁴⁷ and that a clause be added for encouraging seamen; and that if foreigners be allowed to sail in English ships, they shall be obliged to take in proportionable number of landmen; and that they may have the Commissioners of the Navy and Trinity House to attend the committee, if they think fit. (*L. J.*, XIV. 611.)

1690/1.

Jan. 1, HC. A petition of the Royal Affrican Company of England was read; setting forth, that by a bill brought in to this House, the trade to Affrica, which, for eighteen years last, hath been carried on in a joint stock, settled by the invitation and encouragement of the King and Council, is endeavoured to be put into another way of managing; and the petitioners, who have so long hazarded their own stocks, to small advantage to themselves, in settling and improving that trade to the benefit of the nation, are like to be divested of their property, and undergo great losses: and praying to be heard, by their counsel, at the bar of this House, against the said bill.

Ordered, that the said petition be considered, when the said bill shall be read a second time. (*C. J.*, X. 532.)

Jan. 2, HL. After hearing the Commissioners of the Navy at the bar:

The House was adjourned during pleasure, and put into a committee, upon the bill, intituled, An act for suspending, during the war with France, that part of the act of navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen.⁴⁸

And, after some time spent therein, the House was resumed.

⁴⁶ Postponed to Jan. 2. *L. J.*, XIV. 612.

⁴⁷ Printed, Hist. MSS. Comm., *loc. cit.*, p. 250. As amended on Jan. 2 (see *post*), any person concealing or rescuing seamen should pay £10, one-third to the informer, one-third to the poor, and the other third into the chest at Chatham; the alternative punishment for want of sufficient distress was imprisonment at hard labor for three months.

⁴⁸ "On 2 Jan. the commissioners, etc. were called in and heard. *Sir R. Haddock*: Thinks it is a discouragement to our seamen and for that of corn. It will hinder shipping. Being asked what was proper to encourage English seamen, he says, that belongs to the Admiralty. They withdrew. A clause to be offered for deterring persons from harbouring seamen. The House then went into Committee on the Bill, E. Pembroke in the Chair. Agreed to begin with the Bill again. Title read and postponed. Preamble read and agreed to. A Proviso offered by L. Cornwallis for half landmen. The Proviso read twice. Some Merchants at the door desire to be heard. Proposed to ask them whether landmen are willing to serve, and whether the number of English will be disadvantageous to trade and a mixture. The Merchants were then called in and asked: Whether merchants did not give less wages to foreigners than other seamen. *Mr. Gardiner*: If we are obliged to sail with English seamen, except exempted from pressing, we lose our voyage. Two trades require it, West Indies and the Northern parts. Half landmen is too many. We desire the time may be limited to the going out. The Merchants are heard to the Corn Clause. . . . They withdraw. Reasons of the Trinity House read. Proposed that a fourth part be foreigners. [Proposed that a fourth part] be English. Question: Whether there shall be three parts foreign and one part English seamen, the Master and officers being English? Resolved in the *Negative*. . . . Ordered, Half. The House in Committee then agreed to the remaining amendments of the Select Committee, and added a Proviso of E. Nottingham . . . and a Clause for concealing Seamen . . ." (*ibid.*, pp. 249-250). The Earl of Nottingham's proviso made it lawful, before Dec. 10, 1691, to import any naval commodities, under conditions forbidden by the navigation act.

And the Earl of Pembroke reported, that the committee had gone through the bill, and had made several amendments therein.

Which were once read.

Then the two first amendments were read, and agreed to; and the amendment 1 pr. 29 l. for "so many" read "one half of".

And, after debate,

The question was put, whether to agree with the committee in this amendment, for having half foreign seamen?

It was resolved in the negative.

Ordered, that three fourth parts shall be foreigners, and one fourth part English seamen.

Then the other amendments and provisos were read, and agreed to; and the provisos ordered to be engrossed. (*L. J.*, XIV. 613.)

Jan. 3, HL. *Hodie 3a vice lecta est billa*, An act for suspending, during the war with France, that part of the act for navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen.

The question was put, whether this bill shall pass into a law, with these amendments?

It was resolved in the affirmative. (*Ibid.*, p. 614.)

Jan. 3, HL. A message was sent to the House of Commons, by Sir Samuell Astry and Mr. Meredith:

To carry down the bill, intituled, An act for suspending, during the war with France, that part of the act for navigation, and that part of the act for exportation of corn, which obliges English ships to sail with English seamen, with some amendments; and to desire their concurrence thereunto.⁴⁹ (*Ibid.*, pp. 614-615.)

Session of October 22, 1691–February 24, 1691/2 (3-4 Gul. et Mar.).
1691.

Nov. 3, HC. A petition of divers merchants, masters of ships, planters, and others, trading to foreign plantations, was read; setting forth, that the plantations cannot be maintained without a considerable number of white servants, as well to keep the blacks in subjection, as to bear arms in case of an invasion: for the convenient furnishing whereof King Charles granted letters patents, dated twenty-fourth Sept. 16 *Regni*:¹ which being surrendered, another was obtained by Colonel Legg and

⁴⁹ *C. J.*, X. 534. Several conferences on the amendments were held between both Houses, on Jan. 5, but no agreement was reached before Parliament was adjourned. The main point of disagreement concerned the penalty in the clause making it unlawful to conceal or rescue seamen (see note 47, above). The Commons wished to restrict the punishment to imprisonment, the Lords maintaining that this "will make men less careful in making discoveries, when they are to receive no benefit thereby; and may tend rather to fill the goals with prisoners, than the fleet with seamen; and if one seaman conceal another, the one of them, at least, cannot go to sea for three months" (*ibid.*, pp. 534-536; *L. J.*, XIV. 616-617). Parliament adjourned from month to month, until Oct. 5, when it was prorogued until Oct. 22.

¹ See note 21, *ante*, p. 36. On Sept. 7, 1664, Roger Whitley was appointed master of the newly created office for registering indentured servants, at a salary of 40 s. per year, and such allowances as the planters agreed to give him (*Acts P. C. Col.*, I. 384; *Cal. St. P. Col.*, 1661-1668, p. 232). The patent seems to have been issued to Whitley, Sept. 14. *Ibid.*, p. 233.

others,² unqualified by law, from the late King James; which, for that reason, since the happy revolution, hath been, by decree in chancery, declared null and void: and their Majesties have been pleased to grant their letters patents to Edward Thomson, esquire, for the erecting an office for the binding all servants, and registering their consents, that should go over to the said plantations: and praying leave to bring in a bill for establishing the said office by act of Parliament.

Resolved, that the examination and consideration of the said petition be referred to a committee: and that they do report the matter thereof, with their opinions therein, to the House.

And it is referred to Sir John Guise, Sir Wm. Strickland, Sir Tho. Haslerig, Sir Rob. Cotton, Sir Peter Colleton, Mr. Biddolph, Sir Rob. Davers, Mr. Travers, Mr. Solicitor-General,³ Sir Walter Young, Mr. Mountague, Mr. Papillion, Mr. Brewer, Mr. Thomson, Sir Cha. Bloys, Sir Jon. Jennings, Sir John Barker, Mr. Brockman, Mr. Blowfeild, Mr. Burrard, Mr. Mountague, Mr. Sherrard, Sir John Dorrell, Sir Hen. Goodrick, Mr. Stockdale, Mr. Christie, Sir Wm. Robinson, Mr. Fuller, Mr. England, Sir Wm. Cooper, Colonel Titus, Sir Sam. Bernardiston, Mr. Palmes, Sir John Key, Sir Math. Andrewes, Mr. Kenyon, Mr. Harley, Sir Wm. Dashwood, Mr. Greenfeild, Mr. Waller, Mr. Hedger, Sir Edw. Hussey, Mr. Norreis, Mr. Thornbaugh: and they are to meet this afternoon at three of the clock, in the Speaker's Chamber: and are empowered to send for persons, papers, and records. (*C. J.*, X. 544.)

Nov. 7, HC. Mr. Christie⁴ reports from the committee to whom the examination and consideration of the petition of divers merchants, masters of ships, planters, and others, trading to foreign plantations, was referred, that the said committee had examined and considered the matter of the said petition; and were of opinion, that such a bill would be of good use and service to the publick: and that they had directed him to move the House for leave to bring in a bill for the registering of servants that shall go to the plantations, pursuant to letters patents, granted for that purpose.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition. (*Ibid.*, p. 546.)

Nov. 9, HC. And the Lord Ranelagh⁵ acquainted the House, that the king had been pleased to command him to deliver to the House the state of the war for the next year's service, in relation to the land forces; and that he had it.

Foot.	Companies.	Number.	Pay per ann.		
			l.	s.	d.
New York Companies.....	2	120	2354	5	0
Company in Leeward Islands.....	1	60	1177	2	6

² Col. John Legg, Christopher Guise, and John Robins. Thomson, referred to below, was granted the office in May, 1689, for 21 years (*id.*, 1689-1692, pp. 20, 32, 44, 45; *Acts P. C. Col.*, II. 128). His fee was fixed at 5 s. for every indenture, and 6 d. for registration of each name (*Cal. St. P. Col.*, 1689-1692, p. 48). As in the previous session, the proposed bill failed.

³ Sir John Somers, afterwards Lord Somers. There were five Montagues in Parliament at this time.

⁴ Thomas Christie, M. P. for Bedford.

⁵ Paymaster general.

Ordered, that the consideration of the said estimate, and list, be referred to the committee of the whole House, who are to consider further of the supplies to be granted to their Majesties, for the carrying on a vigorous war against France. (*C. J.*, X. 547, 548.)

Nov. 19, HC. Mr. Christie, according to order, presented to the House a bill for registering of servants that shall go to the plantations, pursuant to letters-patents granted for that purpose. And the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 555.)

Nov. 19, HC. The Lord Ranelagh acquainted the House, that he was commanded by his Majesty to lay before the House a distribution of the land forces mentioned in the estimate, formerly delivered in to this House: the which he read in his place; and afterwards, delivered in, in writing, at the clerk's table: where the same was read; and it is as followeth

In the West Indies.

One regiment of foot.....	780
Three independent companies, of sixty each.....	180

In all	960
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Resolved, that the consideration thereof be referred to the committee of the whole House; who are to consider further of the supplies to be granted to their Majesties, in relation to the land forces.⁶ (*Ibid.*, p. 557.)

Nov. 25, HC. Mr. Solicitor General also acquainted the House, that he was directed by the said committee⁷ to move the House, that an estimate of the charge of the number of the land forces, which his Majesty has been pleased to signify he thinks necessary to be continued in England, Scotland, and the West Indies, and to be transported beyond the seas, for the service of the year 1692, including the officers, may be laid before the House.

Ordered, that an estimate of the charge of the number of the land-forces, which his Majesty has been pleased to signify he thinks necessary to be continued in England, Scotland, and the West-Indies, and to be transported beyond the seas, for the service of the year 1692, including the officers, be laid before the House. (*Ibid.*, p. 562.)

Nov. 27, HC. A bill for registering of servants that shall go to the plantations, pursuant to letters patents granted for that purpose, was read the second time.

Resolved, that the bill be committed to Mr. Palmes, Sir John Fagg, Mr. Christie, Mr. Blowfeild, Mr. Newport, Sir John Moreton, Mr. Hutchinson, Mr. Thornhaugh, Mr. Stockdale, Sir Tho. Hussey, Sir Edw.

⁶ In the debate on the supply, this day, Sir Thomas Clarges said: "I was, and am, of opinion, that our coming into the Alliance is a greater strength to the Confederates, than any force by Land, and far more able to distress France, and that the most natural way is to continue the War, where he grows so great, by Sea; if we would make ourselves masters of America, and recover what we have lost there." Grey, *Debates*, X. 177; Cobbett, V. 661.

⁷ To consider of the supplies to be granted for carrying on a vigorous war against France.

Hussey, Mr. Norreis, Mr. Sherrard, Sir Rob. Cotton, Sir Tho. Vernon, Mr. White, Sir Wm. Strickland, Mr. Lutterell, Sir John Gray, Mr. Brewer, Mr. Waller, Mr. Arnold, Mr. Hawtry, Lord Colchester, Major Vincent, Mr. Travers, Sir Thom. Darcy, Mr. Parkhurst, Mr. England, Mr. Slater, Sir Peter Colleton, Mr. Preston, Sir Tho. Dyke, Mr. Fuller, Mr. Carter, Mr. Thomson,⁸ Mr. Hedger, Sir Jonath. Jennings, Mr. Thomson, Mr. Clerke: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber. (*Ibid.*)

Nov. 28, HC. A motion being made, and the question being put, that it be an instruction to the committee of the whole House, to whom the consideration of the supplies to be granted to their Majesties for the carrying on a vigorous war against France is referred, that the number of the land-forces, which his Majesty has been pleased to signify he thinks necessary to be continued in England, Scotland, and the West-Indias, and to be transported beyond the seas for the service of the year 1692, do consist of private soldiers, not including officers, making up that number;

It was resolved in the affirmative.⁹ (*Ibid.*, p. 565.)

Nov. 30, HC. . . . Ordered,¹⁰ that a committee be appointed to consider of the list of the forces, as to such of them as his Majesty has been pleased to signify he thinks necessary to be continued in England, Scotland, and the West-Indies, and to be transported beyond the seas for the service of the year [16]92; and also the list of the general-officers; and the estimate of the establishment of the garisons; and to report their opinions therein, to the House.

And it is referred to Lord Cornbury, Mr. Harley, Mr. Solicitor-General, Mr. Foley, Lord Castleton, Mr. Gwyn, Sir Jervas Elwes, Sir John Guise, Mr. Granville, Sir Rich. Onslow, Sir Tho. Clarges, Sir John Barker, Sir Fra. Guybon, Lord Colchester, Sir Sam. Bernardiston, Lord Brandon, Mr. Goldwell, Lord Fitzharding, Sir Wm. Forrester, Lord Ranelagh, Sir Christopher Musgrave, Mr. Comptroller,¹¹ Mr. White, Lord Falkland, Sir John Knight, Colonel Churchill, Sir Jos. Tredenham, Sir Rich. Temple, Sir Edw. Seymour, Sir Tho. Littleton, Sir John Lowther, Colonel Godfrey, Sir Wm. Ellis, Major-General Trelawny, Sir Rob. Cotton, Sir Rob. Henley, Sir Wm. Cooke, Lord Eland, Sir Peter Colleton, Mr. Paul Foley, Mr. Palmes, Major Perry, Sir Hen. Capell, Sir Wm. Honeywood, Mr. Stanley, Mr. Carye, Mr. Chadwick, Mr. Maine, Mr. Tilney, Sir Tho. Samwell, Colonel Trelawny: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber.¹² (*Ibid.*, p. 567.)

Dec. 10, HC. Mr. Christie reported, from the committee to whom the bill for the registering of servants that shall go to the plantations, pursuant to letters patents granted for that purpose, was committed, that

⁸ There were three members of this name, two of whom were here appointed: Francis and William, serving for Scarborough, and Henry, representing York.

⁹ This same day there was presented an Abstract of the Establishment of their Majesties Garrisons, in which are the following figures for Virginia: *Per diem*, £1, 12 s., 10¼ d.; *per annum*, £600. *C. J.*, X. 565.

¹⁰ At the request of the committee on supplies for carrying on the war.

¹¹ Thomas Wharton, 1689-1702.

¹² For the report, see under Dec. 14.

they had made several amendments to the bill; which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards, delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, X. 580.)

Dec. 14, 1691. Sir John Guise, according to the order of the day, reported from the committee to whom the consideration of the estimates relating to the army in England, Scotland, and the West-Indies, and to be transported beyond the seas, was referred, that they had considered the same; and had come to several resolutions thereupon

Resolved, that it is the opinion of this committee, that the pay of the field staff-officers, commissioned and non-commissioned officers, and soldiers upon the English establishments, designed to serve in England, Scotland, the West-Indies, and to be transported beyond the seas, for the year 1692, be the same with the year 1691. . . .

Resolved, that twenty-two thousand pounds of the forty-four thousand seven hundred and seventy-three pounds four shillings and five-pence, in the total of the first head of the estimates for the ordnance, be deducted, in consideration of the forces remaining in England, Ireland, Scotland, and the West Indies. . . .

That the sum of twelve thousand pounds is reasonable to be allowed for ammunition for the forces for England, Scotland, the West Indies, and to be transported:

That the sum of eight thousand pounds is reasonable to be allowed for tents for the forces in England, Scotland, and the West Indies, and to be transported. . . .

Ordered, that the consideration of the said report and resolutions be referred to the committee of the whole House, who are to consider further of the supplies to be granted to their Majesties, for the carrying on a vigorous war against France. . . .¹³ (*Ibid.*, pp. 585-586.)

Dec. 15, 1691. Ordered, that the ingrossed bill for registering servants that shall go to the plantations, pursuant to letters patents granted for that purpose, be read the third time to-morrow morning. (*Ibid.*, p. 587.)

Dec. 16, 1691. An ingrossed bill for the registering of servants that shall go to the plantations, pursuant to letters patents granted for that purpose, was read the third time:

And the question being put, that the bill do pass;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Colt, Sir Tho. Bernardiston, 29.

Tellers for the noes, Sir Edward Hussey, Sir Rob. Henley, 90.

So it passed in the negative. (*Ibid.*, p. 589.)

Dec. 18, 1691. A petition of several merchants and planters trading to and interested in their Majesties sugar-plantations, was read; setting

¹³ These resolutions, agreed to by the committee of the whole House in its report of Jan. 2, 1691/2, were accepted by the House without amendment. *C. J.*, X. 606-608.

forth, that the product of the plantations are much lessened by heavy taxes; and that, the last sessions of this Parliament, an act passed, which imposed a high duty on spirits drawn from melasses, above what was laid on spirits drawn from other materials,¹⁴ and is interpreted to lay the duty not only on spirits made of melasses in kind, but from melasses produced from sugars wrought in England; which was a very great damage to the plantations, and the refining-trade of this nation: that the said act has not answered the ends designed thereby, for that it has manifestly checked the increase of the growing expence of spirits, if not much lessened the same: and praying the consideration of the House in the premises; and that in regard of the high duties upon spirits drawn from melasses, more than upon spirits drawn from other materials.

Resolved, that the examination and consideration of the said petition be referred to a committee: and that they do report the same, with their opinions therein, to the House.

And it is referred to Mr. Gwyn, Sir Sam. Dashwood, Mr. Colt, Mr. Perry, Mr. Hutchinson, Mr. Carter, Sir John Knight, Mr. Mansell, Mr. Slater, Colonel Lee, Sir Jonath. Jennings, Sir John Dorrell, Sir Rob. Cotton, Sir Rob. Edon, Sir James Rushout, Major Vincent, Sir Ralph Dutton, Sir Robert Henley, Mr. Hawtry, Sir Tho. Dyke, Mr. Onslow,¹⁵ Mr. Henley,¹⁶ Sir Rich. Temple, Mr. Burdett, Mr. Dyot, Sir Wilfred Lawson, Mr. Blowfeild, Mr. Christie, Mr. Thornhaugh, Mr. Slater, Sir Peter Colleton, Mr. Vincent, Sir Rich. Onslow, Mr. Waller, Mr. Hobby, Mr. Arnold, Mr. Brewer, Mr. Biddolph, Mr. Greenfeild, Sir Jos. Tredenhams: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber: and it is to be an instruction to the said committee, that they do consider of the impositions upon sugar outwards; and report the same, with their opinions therein, to the House. (*Ibid.*, p. 592.)

Dec. 22, HC. A petition of the refiners of sugar in England was read; setting forth, that this kingdom, being master of the best and most considerable sugar-plantations in the whole world, might enrich itself by encouraging the refining of our brown sugars; and so enable our merchants to supply foreign markets with the home-made white sugars: that the Dutch, Hamburgers, and French, have most studiously encouraged this expensive and profitable trade within themselves, having been greatly enabled thereunto by an act made 1 Jac. II*di*;¹⁷ which has proved a very great discouragement and weakening to this trade here at home: and that, by reason of another act made in the last sessions, for encouraging the consumption of corn, a very high duty is laid, not only on the low wines drawn from the plantation melasses, but also upon the low wines drawn from the home-made melasses, the petitioners are disabled in the

¹⁴ 2 Gul. et Mar., sess. 2, c. 9; see note 9, *ante*, p. 31. Similar petitions were presented Dec. 22, Feb. 3, *post*; a report was made by the committee, Jan. 9, *post*.

¹⁵ Either Denzil Onslow, M. P. for Haslemere, or Foot Onslow, serving for Guildford. Sir Richard, representing Surrey, is also named below as a member of this committee.

¹⁶ Besides Sir Robert Henley, mentioned above, Henry Henley, M. P. for Lyme Regis, sat in this Parliament.

¹⁷ 1 Jac. II. c. 4; see vol. I. of this series, p. 426. On the effect of that impost, see Beer, *Old Colonial System*, pt. I., vol. I., pp. 160-168.

carrying on of their trade; and, if not relieved by the House, the aforesaid beneficial trade must be unavoidably lost in this kingdom, and carried to our neighbours; and praying the consideration of the House in the premises: and that the petitioners may, at least, have as much encouragement to refine our own plantation brown sugars, as the Dutch now have, by reason of their drawback, to export and work them abroad.¹⁸

Ordered, that the consideration of the said petition be referred to the committee to whom the examination and consideration of the petition of several merchants and planters trading to and interested in their Majesties sugar plantations, was referred. (*C. J.*, X. 594.)

Dec. 31, HC. Ordered, that Mr. Deane and Mr. Brent¹⁹ be added to the committee to whom the petition of the refiners of sugar in England is referred. (*Ibid.*, p. 604.)

1691/2.

*Jan. 7,*²⁰ *HC.* Ordered, that Sir Robert Davers be added to the committee to whom the petition of the refiners of sugar is referred. (*Ibid.*, p. 615.)

Jan. 9, HC. Sir John Knight reports from the committee to whom the consideration of the petition of the refiners of the sugar of England was referred, that they had considered the same accordingly; and were of opinion, and accordingly had directed him to move, that leave be given to bring in a bill for allowing a drawback for white sugars refined in England, and melasses, when exported.

Ordered, that the said matter be re-committed to the same committee: and that such of the commissioners and officers of the Treasury and Customs, as are of this House, and Sir Thomas Vernon, Mr. Burrridge, and Mr. Goldwell, be added to the said committee.²¹ (*Ibid.*, p. 618.)

Jan. 20, HC. A petition of the master, wardens, and assistants of the Company of Feltnakers, London, was read; setting forth, that, by the act for the incorporating the Hudson's-Bay Company, it is provided, that the company shall make, at least, two publick sales of coat-beaver every year; and that, in the intervals, the company shall not sell the beaver, by private contracts, at any lower price than it was set up at the last publick sale:²² but that, since the passing the act, the company have made but one publick sale, and a private sale soon after at a cheaper rate, on purpose to keep up the price at a publick sale; and thereby, and by other

¹⁸ Section 7 of the act of James II. allowed a drawback of the duties paid, on exportation within eighteen months after importation. *Statutes*, VI. 5.

¹⁹ John Deane, M. P. for Ludgershall, and Edward Brent, M. P. for Sandwich.

²⁰ Jan. 5, in the House of Lords, a bill was read for settling the manor and lordship of King's Bromley and other lands of Barbara Newton, widow of Samuel Newton, late of the island of Barbados, and John Newton, son and heir of the said Samuel by the said Barbara. The royal assent was given Feb. 24. *L. J.*, XV. 18, 93; *C. J.*, X. 644; *Statutes*, VI. 310; *Hist. MSS. Comm., Fourteenth Rept.*, App., pt. VI., p. 11.

²¹ No further report was made by the committee during this session.

²² This clause was inserted in the act of 1690 (see note 8, *ante*, p. 19) to protect the felt-makers, who then protested against the confirmation of the charter (*ante*, p. 22). The lots offered at the sales were to be about £100 each in value, and not more than £200. Willson, *The Great Company* (1900), I. 184; Scott, *Joint-Stock Companies*, II. 232.

practices, have eluded the said act; and which will, if not timely prevented, ruin the petitioners trade throughout the kingdom; and, in all probability, will carry the petitioners trade into foreign parts: and that the exportation of coney-wool, and hares-wool, unmanufactured, is a great damage to this kingdom: and praying leave to bring in a bill for the more effectual putting in execution the said act.

Resolved, that the examination and consideration of the said petition be referred to a committee: and that they do report the matter, with their opinions therein, to the House.

And it is referred to Mr. Arnold, Mr. Gilbert, Mr. Bowyer, Sir John Fagg, Mr. Colt, Sir Tho. Darcy, Sir Tho. Vernon, Mr. Goldwell, Mr. Waller, Mr. Hutchinson, Mr. Cooke, Mr. Bickerstaffe, Mr. Christie, Mr. Beddingfeild, Mr. Sandford, Mr. Fuller, Mr. Clerke, Sir Rob. Henley, Sir John Dorrell, Mr. Biddolph, Mr. Lloyd, Mr. Thornhaugh, Mr. Hobby, Mr. Fenwick, Mr. Lutterell, Mr. England: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber: and are empowered to send for persons, papers, and records.²³ (*Ibid.*, p. 634.)

Jan. 23, HC. A petition of the merchants and planters trading to, and interested in, their Majesties plantations in the West-Indies, relating to the navigation of ships to and from thence with foreign seamen, was presented to the House.

Ordered, that the petition be read upon Monday morning next. (*Ibid.*, p. 640.)

Jan. 26, HC. Ordered, that Mr. Hayne, Sir Steph. Evans, Mr. Brockman, Colonel Perry, Sir Jos. Williamson, Sir John Dorrell, Sir John Knatchbull, Sir Jon. Jennings, Mr. Champneys, Sir Fra. Massam, Sir Sam. Dashwood, be added to the committees to whom the petition of the master, wardens, and assistants of the Company of Feltmakers, London, is referred. (*Ibid.*, p. 641.)

Jan. 26, HC. The petition of the merchants and planters trading to, and interested, in their Majesties plantations in the West-Indias, which was presented to the House upon Saturday last, was read; setting forth, that, from the act of navigation,²⁴ many inconveniences arise; *viz.* the necessity of seamen to man the merchants ships: that the product of the plantations have been lost for want of shipping to fetch it home: that seamen exact treble their former wages; and thereby abscond their Majesties service: and, for these reasons, that clause in the act of navigation has been dispensed withal: and praying the consideration of the House in the premises; and that leave may be given to bring in a bill to give liberty, during the present war, to carry any goods to, or bring any of the product of the West-Indies from thence, in any ships, and sailed with any seamen; or at least, that the ships may not be obliged to sail with English seamen.

Ordered, that the consideration of the said petition be referred to a committee: and that they do report their opinions therein to the House.

²³ For the report of this committee, see Feb. 2, *post*.

²⁴ The act of 1660; 12 Car. II. c. 18. The report of this committee was made on Feb. 2, *post*.

And it is referred to Sir Sam. Bernadiston, Colonel Titus, Sir Math. Andrewes, Sir John Dorrell, Sir Rob. Davers, Mr. Hawtry, Sir Jervas Elwes, Mr. Beddingfeild, Sir Tho. Vernon, Mr. Colt, Sir Peter Colliton, Colonel Perry, Sir Edward Seymor, Mr. Goldwell, Sir Rob. Henley, Mr. Arnold, Sir John Knight, Mr. Biddolph, Mr. Dyott, Mr. Christie, Sir Thom. Clarges, Mr. Bowyer, Mr. Fenwick: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber. (*C. J.*, X. 641-642.)

Jan. 28, HC. Ordered, that Mr. Hunt, Sir Jervas Elwes, Sir Sam. Bernadiston, Mr. Hutchinson, Mr. Thornhaugh, be added to the committee to whom the petition of the master, wardens, and assistants of the Company of Feltmakers, London, is referred. (*Ibid.*, p. 645.)

Feb. 2, HC. Mr. Christy²⁵ reported from the committee to whom the examination and consideration of the petition of the master, wardens, and assistants of the Company of Feltmakers, London, was referred, that they had heard the petitioners, as also the deputy-governor²⁶ and committee of the Hudson's-Bay Company; and found, that the company had, in elusion, and contrary to the proviso in the late act of Parliament by them obtained, for the strengthening their charter of incorporation, made divers private contracts and sales, to private persons, of very large quantities of coat-beaver, at cheaper rates than had been offered at publick sales, purely to keep up the price thereof at a publick sale; and had privately contracted for, and sold the same to such contractors for eight shillings and two-pence per pound; and then had put up and sold the same for such contractors, in their publick sales, at ten shillings and eight pence, eleven shillings, eleven shillings and eight-pence per pound, to the great prejudice and damage of the petitioners, and their trading: and that, in such the raising the price of coat-beaver, the said company gave security to such their private contractors, not to put up to their publick sales any of the same sort of goods, for the space of two years ensuing their contract: and that, at one sham sale, made by the company for their private contractors, there was as much coat-beaver actually sold, as amounted to two thousand sixty-three pounds ten shillings: and that the committee was the rather induced to believe the truth thereof, because the same was acknowledged and testified by divers of the private contractors themselves: and that the company took upon them to do these practices, because there was no penalty annexed to the proviso in the said act of Parliament, on the violation thereof.

That the committee also found, that the exportation of coney-wool, and hares-wool unmanufactured, is a great damage to this kingdom: for that before the present war with France, and foreign markets, served by France with hats, the same was bought for seven shillings per pound, and is now risen to ten shillings per pound, since foreign markets have been served with hats by the petitioners: that great quantities have been exported to France; it being so valuable to the French, that they cannot possibly work any of their own coney-wool, or wools from Turkey, or

²⁵ Thomas Christie, M. P. for Bedford.

²⁶ Samuel Clarke, deputy governor from 1691 to 1710.

other places, without a mixture of our English coney-wool: and that the French put so great a value thereon, that they give one half more for our coney-wool, than they do for their own growth: and that the restraining the exportation thereof, will be an advantage to the furnishing foreign markets with hats manufactured by the petitioners; and be a great encouragement to that manufacture in England, and the traders therein, as also a manifest advantage to the kingdom in general.

And that, upon the whole matter, the committee came to several resolutions; which they had directed him to report: and which he read in his place; and afterwards delivered the same in at the clerk's table: where the same were read; and are as followeth; *viz.*

Resolved, that it is the opinion of this committee, that the House be moved, that leave may be given to bring in a bill for the enforcing the due execution of the proviso in an act made in the second year of their Majesties reign, intituled, An act for confirming to the Governor and Company trading to the Hudson's-Bay, their privileges and trade, by annexing a penalty to prevent the eluding thereof by private sales.

Resolved, that it is the opinion of this committee, that it is for the benefit and service of the manufacture of this kingdom, that there be a total prohibition of the exportation of all coney-wool, and hares-wool, unless at those times when the same shall be under the price of seven shillings per pound.

Ordered, that leave be given to bring in a bill according to the said resolutions. (*Ibid.*, p. 649.)

Feb. 2, HC. Sir John Knight reports from the committee to whom the consideration of the petition of the merchants and planters trading to, and interested in, their Majesties plantations in the West-Indies, was referred, that they had considered the same accordingly; and had directed him to move the House, that leave may be given for bringing in a bill, for permitting English ships to be navigated with foreign seamen to and from the West-Indies, during the war.

Ordered, that leave be given to bring in a bill accordingly: and that Sir Peter Colliton, Sir Robert Davers, and Sir John Knight, do prepare the same. (*Ibid.*, pp. 649-650.)

Feb. 3, HC. A petition of the merchants, planters, and traders to, and interested in, their Majesties sugar plantations of Nervis, Mounseratt, Antegoe, St. Christopher's, and Jamaica, and greatest part of Barbadoes, who all import muscovado brown sugar not clayed, was read; setting forth, that the petitioners having many and great losses in the present war; and being, by act of navigation, enjoined to bring their sugars to this kingdom; which they do with very great hazard and charges, both of freight and insurance and, after that, have a very low market for the same; which is chiefly occasioned by the refiners lying under such great encouragements by the importing of clayed sugar and melasses, together with a very high duty upon low-wines drawn from melasses made in England, above that made from corn; that thereby they are disabled to buy their sugars, but at such rates, as makes them losers by them: that, hearing of a petition of the refiners lying before this House for some

relief; and that the relief they crave is a drawback on their white sugars, when exported; and that they meet with opposition therein, through the suggestions of some persons, that it would be against the interest of the plantations in general to grant it to them; they crave leave to acquaint this House, that they cannot apprehend it to be any prejudice; but, as it may enable the refiners to continue their works, will be a very great relief and help to the plantations: and that a drawback on their white sugars, equal to what the sugars clayer hath, will, as they humbly conceive, as it helps them, be beneficial to the sugar-plantations in general, and to the English navigation: and humbly praying, (inasmuch as their market or sale of sugars here at home depends upon the support of the refining of sugar in England; and that a drawback, equal to what the clayer hath, is that which will help them), that this House will take it into their serious consideration; and grant them relief in that, or any other such ways as . . . the House should seem meet.

Ordered, that the consideration of the said petition be referred to the committee to whom the consideration of the said petition of the refiners of sugar in England is referred.²⁷

Ordered, that the Barbadoes planters be heard before the said committee, touching the matter of the said petition. (*C. J.*, X. 650-651.)

Feb. 5, HC. Mr. Christy, according to order, presented to the House a bill for the more effectual execution of a former act concerning the company trading to Hudson's-Bay. And the same was received.

And the bill was read the first time.

Resolved, that the bill be read the second time.²⁸ (*Ibid.*, p. 653.)

Feb. 5, HC. Sir Peter Colliton, according to order, presents to the House a bill for permitting English ships to be navigated by foreign seamen, to and from the West-Indies, during the war. And the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time.²⁹ (*Ibid.*)

Feb. 8, HC. A bill for permitting English ships to be navigated with foreign seamen to and from the West-Indies, during the war, was read the second time.

Resolved, that the bill be committed, upon the debate of the House, to Sir John Knight, Sir Rich. Hart, Sir Peter Colliton, Mr. Fuller, Mr. Colt, Mr. England, Mr. Dawny, Mr. Boscowen, Sir Tho. Haslerigg, Sir John Carew, Mr. Travers,³⁰ Mr. Kendall, Mr. Gwyn, Mr. Culleford, Mr. Pitts, Sir Richard Onslow, Sir Sam. Barnadiston, Sir Benj. Newland, Sir. Tho. Darcy, Sir Ro. Rich, Mr. Hutchinson, Mr. Onslow, Mr. Fagg, Mr. Piggot, Mr. Slater, Mr. Price, Mr. Christy, Mr. Russell, Mr. White,

²⁷ See entries of Dec. 18 and Jan 9, *ante*. No report was made on this and former petitions of like nature.

²⁸ This bill made no further progress during this session. Early in the next session the felt-makers again protested against fraudulent sales by the company.

²⁹ This bill passed the Commons but the session came to a close before it was reported in the House of Lords. The full text is given in Hist. MSS. Comm., *Fourteenth Rept.*, App. VI. (*MSS. H. of L.*, 1692-1693), pp. 72-74.

³⁰ Samuel Travers, M. P. for Bossiney. The name given last in this list refers to this same member.

Mr. Lutterell, Sir Tho. Vernon, Colonel Austin, Colonel Perry, Sir Tho. Darcy,³¹ Sir Tho. Barnadiston, Mr. Godolphin, Sir John Dorrell, Sir Robert Clayton, Mr. Churchill, Sir John Fag, Sir John Lowther, Sir Math. Andrews, Sir Robert Clayton, Mr. Travers: and they are to meet this afternoon at four a clock, in the Speaker's Chamber. (*Ibid.*, p. 657.)

Feb. 11, HC. Sir Samuel Barnadiston reports from the committee to whom the bill for permitting English ships to be navigated with foreign seamen to and from the West-Indies, during the war, was committed, that they had agreed upon several amendments to be made to the bill; which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, some of them were agreed, and others disagreed unto, by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 661.)

Feb. 13, HC. Sir Robert Clayton reports from the committee to whom the examination and consideration of the petition of the French Protestants was referred,³² that the committee accordingly had heard several of the petitioners, and their allegations; and do find, that his late Majesty King Charles the Second, by his Order, or Declaration, in Council, dated the twenty-eighth of July 1681, upon a memorial presented to him in behalf of the distressed Protestants abroad, was pleased to declare, that he held himself obliged, in honour and conscience, to comfort and support all such distressed Protestants, who, by reason of the rigors and severities, which were used towards them upon the account of their religion, should be forced to quit their native country, and should desire to shelter themselves under his royal protection; and, for their encouragement to come into this kingdom, did thereby grant unto them several liberties, immunities, and privileges, therein particularly mentioned.³³

That the committee had also perused another Declaration, dated the twenty-fifth day of April 1689,³⁴ made by their present Majesties; thereby taking notice, that it had pleased Almighty God to deliver this realm of England, and the subjects thereof, from the oppression and destruction, which the subversion of their laws, and the arbitrary exercise of power and dominion over them, had very near introduced; and finding in their subjects a true and just sense thereof, and of the miseries and oppressions the French Protestants then lay under; for their relief, and to encourage those that should be willing to transport themselves, their families, and estates, into this kingdom, did thereby declare, that all French Protestants, that should seek their refuge in, and transport themselves into this kingdom, should not only have their royal protection for themselves, families,

³¹ A repetition of the same name above.

³² *C. J.*, X. 633; the petition was presented Jan. 19.

³³ In addition, the king, on July 22, 1681, wrote to the Bishop of London and to the Lord Mayor, recommending the French refugees to their consideration and directing that contributions be received in order to supply their necessities. *Cal. St. P. Dom.*, 1680-1681, p. 366.

³⁴ *Id.*, 1689-1690, p. 78.

and estates, within this realm; but would also do their endeavours, in all reasonable ways and means, so to support, aid, and assist them in their several trades, and ways of livelihood, as that their living and being in this realm might be comfortable and easy to them.

That, pursuant to these encouragements, great numbers of these poor Protestants have resorted hither; many of which have had relief by the charities here collected; and have been transported some to the American plantations, belonging to this kingdom;³⁵ some to other places: and, by credible information given the committee, there are settled in this kingdom upwards of thirty thousand; some of which live, and are supported, by what they escaped with out of France; but the greatest part of them by following the callings they have been educated in; as the making of silks, linens, hats, castile-soap, white paper, and other useful manufactures; by which they are become good subjects to their Majesties, and this nation reaps great benefit by them. . . .³⁶ (*C. J.*, X. 666.)

Feb. 13, HC. Ordered, that Mr. Clerke, Mr. Harley, Sir Richard Hart, Mr. Bridges, Sir Tho. Littleton, Mr. Traverse, Mr. Foley, be added to the committee to whom the petition of the refiners of sugar is referred. (*Ibid.*, p. 670.)

Feb. 16, HC. An ingrossed bill for permitting English ships to be navigated with foreign seamen to and from the West-Indies, during the war, was read the third time.

Resolved, that the bill do pass: and that the title be, An act for permitting English ships to be navigated with foreign seamen to and from the West-Indies, during the war.

Ordered, that Sir Samuell Barnadiston do carry the bill to the Lords; and desire their concurrence thereunto.³⁷ (*Ibid.*, p. 671.)

Feb. 16, HC. Ordered, that Sir Rob. Dashwood, Mr. Hopkins, Mr. Wallpoole, be added to the committee to whom the petition of the refiners of sugar is referred. (*Ibid.*, p. 672.)

Feb. 17, HL. *Hodie 1a vice lecta est billa*, intituled, An act for permitting English ships to be navigated with foreign seamen to and from the West Indies, during the war. (*L. J.*, XV. 79.)

Feb. 18, HL. *Hodie 2a vice lecta est billa*, intituled, An act for permitting English ships to be navigated with foreign seamen to and from the West Indies, during the war.

Upon the second reading of the bill, intituled, An act for permitting English ships to be navigated with foreign seamen, to and from the West Indies, during the war:

³⁵ Orders in Council concerning French Protestants going to Jamaica, Leeward Islands, New York, and Virginia, about this time, are to be found in *Acts P. C. Col.*, II. 44, 109, 350, 388. See also Beer, *Old Colonial System*, pt. I., vol. I., pp. 27-28. vol. II., pp. 187-188; McCrady, *History of South Carolina under the Proprietary Government*, pp. 319-324; Va. Hist. Soc., *Collections*, n. s., vol. V., being documents relating to the Huguenot emigration to Virginia, ed. R. A. Brock. For a general account see Charles W. Baird, *History of the Huguenot Emigration to America*, 2 vols. (N. Y., 1885).

³⁶ The report went on to say that the refugees seeking aid numbered nearly 3000, for whom the committee recommended relief. The sum of £13,200 was given the French Protestants during the year 1691-1692. Hist. MSS. Comm., *Fourteenth Rept.*, App. VI. (*MSS. H. of L.*, 1692-1693), p. 171.

³⁷ *L. J.*, XV. 78.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said bill shall be committed to a committee of the whole House, on Tuesday next, at ten of the clock in the forenoon: and it is further ordered, that the Commissioners of the Navy, and the members of Trinity House, or any other persons concerned, do then attend, to be heard. (*Ibid.*, p. 82.)

Feb. 23, HL. Whereas this day was appointed for the House to be put into a committee, and to hear the Commissioners of the Navy, and the members of Trinity House, and any other persons concerned, upon the bill, intituled, An act for permitting English ships to be navigated with foreign seamen, to and from the West Indies, during the war:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard on Thursday next, at ten of the clock in the forenoon.⁸⁸ (*Ibid.*, p. 89.)

Session of November 4, 1692–March 14, 1692/3 (4-5 Gul. et Mar.).

1692.

Nov. 12, HC. Sir Thomas Clarges:¹ . . . Except this victory at sea,² there has been but one act since this war towards abating the French power. I would know, whether the Admiralty ordered this? I have spoken with Newfoundland men, who say that the French go to fish there by August. The French had two little forts there, which were attempted and left, and two little frigates, in 1682, took them.³ All is very unfortunate. I thought, after a victory, to have been secure in trade; but we have lost above a hundred ships. . . .

Sir Robert Rich: The French were not gone from Newfoundland, but lay under the fort. But I would know, whether it was not the middle of July that our ships went out thither?

Admiral Russel:⁴ 'Tis enquired, what the fleet did after the fight? I aver, the season proved so tempestuous, that they could not stir. . . . It was the 14th of July before the ships could sail, and they must be clean before they take so long a voyage. Neither the English, nor the French, ever sail from Newfoundland till the 20th of September.⁵

⁸⁸ On the following day Parliament was adjourned to Apr. 12, from which day it was prorogued from month to month until Nov. 4, when the new session began.

¹ In debate on the conduct of the fleet after Lord Falkland, from the Commissioners of the Admiralty, and Admiral Russell had presented to the House several instructions and accounts relating to the fleet. *C. J.*, X. 699.

² Off Cape La Hogue, May 19. The inquiry here was into the failure to follow up this victory, which allowed the French fleet to escape to St. Malo.

³ "Five times before 1685 English buccaneers raided Placentia, and stripped the inhabitants of all their moveables." Prowse, *Hist. of Newfoundland*, p. 182. No specific reference could be found to this attack.

⁴ Edward Russell, afterwards Earl of Orford, admiral of the blue. In 1693 he was dismissed for not completing the destruction of the French fleet, but was reinstated that same year. *Dict. Nat. Biog.*, XLIX. 429; for the many papers relating to the state and conduct of the fleet, see *MSS. H. of L.*, 1692-1693, pp. 179-245; *C. J.*, X. 714-723, 749-759; *L. J.*, XV. 153-157. See also *post*, p. 65.

⁵ Capt. James Story writing to Blathwayt, Sept. 1, 1681, states that the French ships generally came to Newfoundland about Feb. 2 or 3 and left at the end of July. *Cal. St. P. Col.*, 1681-1685, p. 107.

Sir Thomas Clarges: What Russel says of his own knowle[d]ge, I do believe, but the French go always a month before the English come away; and I do say that two privateers did take the fort. . . . (Grey, *Debates*, X. 246-247.)⁶

Nov. 16, 1680. A petition of divers merchants and owners of ships of the City of London, was presented to the House, and read; setting forth, that, during the present war with France, they had suffered considerable losses in their trading, in the instances following; *viz.*

1st, By the enemy's taking above fifteen hundred sail of ships, the value computed at three millions of money:

Secondly, By the pressing seamen out of the ships homeward-bound, before their arrival at the ports of discharge:

Thirdly, By plundering their ships, when retaken by their Majesties men of war, to twenty, thirty, and fifty per cent.:

Fourthly, By long detention of ships in the West Indies and Ireland; whereby many of the seamen have died, and the ships have come home half-manned, and thereby become a prey to the enemy:

Fifthly, By embargoes after the royal fleet is out, and necessitating traffick to be driven in the winter.

All which losses and discouragements might have been prevented, as the petitioners conceive, if sufficient squadrons had been appointed to cruise off the head lands in the Channel; and commissioners appointed in the respective ports, to keep the men of war to their duty.

And praying relief in the premises.

Resolved, that the examination of the said petition be referred to a committee: and that they do report the matter thereof to the House. . . .⁷ (*C. J.*, X. 701.)

Nov. 19, 1680. Colonel Granville reported, from the committee, to whom the examination of the petition of divers merchants and owners of ships of the City of London, by which they complained of great losses by them sustained at sea, and also to whom the consideration of the monthly accounts of the disposition of the ships for the guard of the coast and trade, was referred, that they had examined the matter accordingly; and had directed him to report the same to the House: which he read in his place: and afterwards delivered the same, in writing, in at the clerk's table: where the same was read; and is as followeth;

That the petitioners appeared before the said committee; and alleged, that the shortness of their time had made them, in some measure, incapable of proving the most extensive suggestions of their petition; but that they would offer such proof as they then had, in relation to the same: and to that end;

As to the second head;

That *Captain Wild*, of the *Avarilla*, said, that, in 1689, he, being homeward-bound from Virginea with about nine hundred hogsheads of

⁶ The account of this debate in Cobbett (V. 709-712), otherwise identical, omits throughout the remarks of Sir Robert Rich.

⁷ The committee, whose names are here given in the *Journals*, reported Nov. 19; see next entry.

tobacco aboard (which would have yielded about eight thousand pounds custom), was met, off the Bechee,⁸ by the ship *Henrietta*: the captain whereof pressed the majority of his healthy men; whereby he was soon after taken by a Dunkirker, off the Nesse,⁹ against whom he could have guarded himself, if he had his men, that were pressed from him, on board.

That *Captain Ryder*, of the *Barnaby*, said, that he, being homewards bound, arrived in the Downes with a cargo of one thousand one hundred and fifty hogsheads of tobacco (which would have paid twelve thousand pounds custom), burden six hundred ton: his complement of men was thirty-six, whereout, upon the second September 1689, he had twenty-one of his effective men pressed from him, leaving six of the remainder sick upon his hands; whereby the ship afterwards became a prey to the enemy.

As to the third head;

That *Captain Jones* said, that, he coming from Jamaica, master of the *Hawk*, the ship was taken by the French; who having taken but a very small part of her cargo out of her, being laden with sugars, she happened afterwards to be retaken, and brought into Portsmouth in 1689; whither the owners sending for a valuation of her cargo, found she was totally stripped thereof by the man of war which took her; excepting some few sugars, and some logwood, which were not worth the charges of endeavouring the recovery: and that a complaint of the premises was made to the Admiralty.¹⁰

That *Mr. Samson Guiddion* said, that the *America*, which was taken about two years ago, and then retaken by the *Mary* galley, was robbed by that ship's crew; whereby the examinant lost above one hundred fifty pounds to his own share: that salvage was paid in to the Admiralty-Court.¹¹

That *Mr. Prince* said, that the *Providence*, of about sixty ton, was retaken by Captain Avery: whereout he, or crew, took about sixty thousand pounds weight of tobacco: for the redemption whereof the captain then demanded a composition; and he was paid fifty pounds per cent. for the same; and yet was afterwards heard to complain, that he had not taken enough.

As to the fourth head;

That Captain Strutt¹² said, that he, being commander of the *Carolina*, arrived at the Barbadoes the twentieth January; and was detained there

⁸ Beachy Head, a promontory on the south coast of Sussex.

⁹ Dungeness, a low headland on the extreme southern point of Kent.

¹⁰ This vessel, retaken by the *Dreadnought*, was declared good prize, but was ordered to be restored to the owners. *Acts P. C. Col.*, II. 204.

¹¹ The *America*, bound from Boston to London, was taken by a French privateer, July 5, 1689. Within five hours the vessel was retaken by the *Mary* and brought into Plymouth. The owners paid £86 for salvage, but the vessel was not surrendered until two years later when the Council approved the report of the judge of the Admiralty, recommending that on account of the brave defense made by the *America*, the remainder of the salvage due to the captain of the *Mary*, £25, 13 s. 9 d., be remitted. *Ibid.*, pp. 157-158.

¹² Joseph Strutt, whose vessel, Nov. 27, 1690, was ordered to be searched for Edward Nedham and other children said to have been spirited on board. *Ibid.*, pp. 183-184.

till the eighth July, by reason his men were pressed from him, and sent for the Leeward-Islands; and was forced at last to return home with only two of his foremast-men, and some others defective, aboard him; otherwise he might have returned in six weeks, instead of six months, his number not being sufficient to man his ship; burden three hundred ton.

That *Captain Hudson* had his men likewise pressed, and taken away from him, in the Barbadoes: and that the *Hampshire* pressed many men aboard, where they died.¹³

That, at least, sixteen hundred men died out of the *Mary* frigate, while she staid in the West-Indies.

As to the fifth head;

That *Mr. Way* said, that, he coming as a passenger from Jamaica, without a convoy, the twenty-fourth August last, a vessel of twenty-four guns attacked them, but was forced to bear away; but, in two hours after, she, coming up again, and having sight of another French man of war, attacked and took her, and detained the ship's crew on board till the fifth of September: in which time the examinant made an observation of seeing every day one or more privateer, but rarely any man of war.

That the committee also, according to their last order, took into consideration the monthly account of the disposition of the ships for the guard of the coasts and trade, delivered in by the Commissioners of the Admiralty; and did not find, that there had been cruisers abroad, either westward or northward, sufficient for securing the ships outward and homeward-bound. (*C. J.*, X. 707-708.)

Nov. 21, HC. Then the order of the day, for the House to resolve itself into a committee of the whole House, to consider of that part of his Majesty's speech, whereby he desires the advice of this House, was read.

Ordered, that the report made upon Saturday last, from the committee to whom the examination of the petition of divers merchants, and owners of ships, in the City of London, was referred, be referred to the said committee of the whole House.

Then the House, according to the said order, resolved itself into a committee of the whole House.¹⁴

Sir Francis Wynnington reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move the House, that they might have leave to sit again.

Resolved, that this House will, upon Wednesday morning next, at ten a clock, resolve itself into a committee of the whole House, to consider further of that part of his Majesty's speech, whereby he desires the advice of this House; and nothing to intervene. (*Ibid.*, p. 709.)

*Nov. 21, HC. Col. Churchill:*¹⁵ Some men are employed in the fleet, not seamen; as Capt. Warren, condemned for cowardice, and in the West

¹³ The *Hampshire*, 40 guns, belonged to the West Indian squadron. *Cal. St. P. Col.*, 1689-1692, p. 163.

¹⁴ See preceding item for the nature of the report here considered. For the debate, an excerpt of which is given below, see Grey, *Debates*, X. 263-274.

¹⁵ George Churchill, M. P. for St. Albans, who, on Nov. 18, 1689, had been sent to the Tower for the offence referred to by Rich, *viz.*, the taking of convoy money. *Id.*, IX. 430-436; *C. J.*, X. 289.

Indies he lost a ship of 50 guns.¹⁶ We have brewers clerks put in for commanders by the Admiralty.

Sir Robert Rich: If I had put a man into the fleet in command, not a seaman, I were not fit to sit in the Admiralty; but, as to what is said of taking men upon trust, I know not this Captain Warren condemned for cowardice. I know not that he was a brewer's clerk, but he married a brewer's widow. He submitted to all the examination of the Admiralty. That he was an eminent seaman, the Navy-board testified; but the hurt is not here: till you bring the fleet to better discipline, to prevent the captains from taking convoy-money, the fleet will never be in a better condition. . . . (Grey, *Debates*, X. 273; Cobbett, V. 729.)

Nov. 25, HC. The Lord Falkland¹⁷ acquainted the House, that he was commanded by his Majesty to present to the House, pursuant to their address, an estimate of the charge of their Majesties navy for the year 1693: the which he delivered in at the clerk's table: where the same was read; and is as followeth. . . .

For the freight, victuals, and wages of five hired hospital-ships; four whereof to attend the main fleet for seven months, and the other the West-India squadron for thirteen months; at three hundred pounds each per month.	}	12300 l.
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The Lord Ranelagh¹⁸ acquainted the House, that he was commanded by his Majesty to present to the House, pursuant to their address, a list of the land-forces, which his Majesty thinks necessary to be maintained in England and Scotland, and beyond the seas: the which he delivered in at the clerk's table: where the same was read; and is as followeth. . . .

Foot.	Troops and Number companies.	of men.	Pay per annum.		
			l.	s.	d.
New-York Company	2	120	2354	5	0
Company in the Leeward-Islands.	1	60	1177	2	6

Resolved, that the consideration of the said estimate and list be referred to a committee of the whole House.

Resolved, that this House will, upon Tuesday morning next, at ten a clock, resolve itself into a committee of the whole House, to consider of the supply to be granted to their Majesties, for the carrying on a vigorous war against France.

Ordered, that the consideration of the said estimate and list be referred to the said committee.¹⁹ (C. J., X. 711-713.)

Nov. 30, HC. A petition of the master, wardens, and assistants, of the Company of Feltnakers, London, was read; setting-forth, that, *2 Wilhelmi et Mariae*, the Hudson's Bay Company obtained an act to strengthen

¹⁶ Capt. Thomas Warren was in command of the *Crown*, 48 guns (MSS. H. of L., 1692-1693, p. 227). But in June, 1692, charges were made against a Lieutenant Warren of the *Royal Katherine*. This, however, was a ship of 90 guns. *Ibid.*, pp. 208, 234.

¹⁷ Anthony Cary, viscount Falkland, of the Admiralty.

¹⁸ Richard Jones, first earl of Ranelagh, paymaster general. He was afterwards charged with defalcation.

¹⁹ The committee disallowed the charge for the hospital ships on the ground that this was included in the allowance for wages, etc. The estimate for the foot regiments was allowed. C. J., X. 730, 738.

their charter; wherein is contained a proviso, that the company shall make, at least, two publick sales of coat-beaver every year, and not more than four: and that the said company should not sell coat-beaver, by private contracts, at any lower price than the same was set up at the last publick sale; but, for want of a penalty in the said act, the company have frequently broken the said proviso: whereupon the petitioners, the last session, did represent the mischiefs arising thereby; and, by petition to the House, prayed redress, as also a prohibition of the exportation of coney-wool and hares-wool; whereby the whole manufacture of making hats might be appropriated to this kingdom, many thousands of poor people employed, and their Majesties revenue advanced: that the said petition was referred to a committee of the House; who, having heard the petitioners, and the said company, were of opinion, and did report to the House, that the House should be moved for leave to bring in a bill according to the said petition, with a prohibition to the exportation of coney-wool and hares-wool, unless the same shall be under the price of seven shillings per pound: and, leave being given, a bill was brought in accordingly; but, it being toward the end of that session, the same could not be ripened for the royal assent: and praying leave to bring in a bill for preventing fraudulent sales by the Hudson's Bay Company, and to prevent the exportation of coney-wool and hares-wool.²⁰

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition. (*C. J.*, X. 728.)

Dec. 3, HC. Mr. Christy,²¹ according to order, presented to the House a bill for preventing fraudulent sales by the Hudson's-Bay Company, and for preventing the exportation of coney-wool and hares-wool.

The bill was read the first time.

And the question being put, that it be read a second time;

The House divided.

The yeas go forth.

Tellers for the yeas: Mr. Arnold,²² Sir Tho. Roberts: 56.

Tellers for the noes: Sir Lev. Bennet, Colonel Perry: ²³ 119.

So it passed in the negative. (*Ibid.*, p. 731.)

Dec. 20, HC. Ordered, that Sir Tho. Clarges, Lord Marquis Winton, Mr. Solicitor-General,²⁴ Mr. Palmes, Mr. Harcourt, Mr. Hampden, Serjeant Trenchard, Sir Ro. Howard, Colonel Granville, Sir Jo. Lowther, Sir Chr. Musgrave, Sir Edward Seymour, Mr. Wharton, Mr. Harley, Mr. P. Foley, Mr. Hungerford, Mr. Attorney-General,²⁵ Mr. Serjeant Wogan, Mr. Roberts, Mr. Boyle, Mr. Gwyn, Sir Tho. Dyke, Mr. Smith, Mr. Clarke, Sir John Guise, Mr. Mountague, do manage the conference with the Lords.²⁶

And the managers went to the conference: and being returned;

²⁰ See pp. 52, 54, *ante*, and next entry.

²¹ Thomas Christie, M. P. for Bedford.

²² John Arnold, M. P. for Southwark.

²³ John Perry, representing New Shoreham.

²⁴ Thomas Trevor, appointed Mar. 2.

²⁵ Sir John Somers, afterwards Lord Somers.

²⁶ On Nov. 29, the Lords made an address to the king, calling for all orders and papers relating to the previous summer's expedition at sea. After consideration of the

Colonel Granville reported from the conference, that the managers had attended the conference: and that the Lord President²⁷ managed the conference on the part of the Lords; and acquainted them, that several papers had been laid before the Lords House by the king, upon an address of that House; which they thought fit to transmit to this House; because several persons, who are members of this House, are often mentioned in the said papers; from whom, possibly, this House may be more particularly informed of the matters contained in them: which papers he delivered in at the clerk's table; being a Narrative, and a Paper of Heads, and a bundle of other papers, to which the same referred, relating to the last summer's expedition at sea.

The said Narrative and Paper of Heads were read; and are as following; viz. . . .

June the 1st, in pursuance of the flag-officers advice, the queen ordered Mr. Russell to send immediately some ships and fireships to Newfoundland, to destroy the French there . . .

2d, I²⁸ writ to Mr. Russell, to send a list of what ships he desired to keep for the main fleet, including the Newfoundland ships . . .

5th, Mr. Russell writes, he was cleaning two fourth-rates at Portsmouth, two fifths at Plymouth, and a fireship ready to join them, which will be ready in a few days; then they shall go to Newfoundland. . . .

11th, I writ to him about the *Rupert*, which was in the line of battle; but should, as much as might, be in a readiness for the West Indies. . . .

15th, I acquainted him, that the West-India squadron was designed to sail by the first of August; that the ships designed thither might be in the way: I told him some things to be attempted at Newfoundland; that Captain Gillam might be informed of them . . .²⁹

22, in sight of the Start.³⁰ He says the *Dragon* is ordered to convoy the transport-ships from Bristoll: Captain Gillam will sail to Newfoundland the first favourable weather.

July the 6th, under sail off Guernzey. Mr. Russell writes, that he would send away the first packet to the Barbadoes, but wanted a vessel to carry the second, for which the *Goodwyn* prize was very proper. . . . He gives his opinion of some matters relating to the West India expedition.

papers which were delivered, the Lords arranged this conference with the Commons. (*L. J.*, XV. 129, 136-157, *passim*). For a fuller account of this inquiry, and especially concerning Admiral Russell's orders and letters, Apr. 2-Aug. 28, 1692, see *MSS. H. of L.*, 1692-1693, pp. vi-xi, 179 *et seq.* See also, *ante*, p. 59.

²⁷ Sir Thomas Osborne, formerly earl of Danby, at this time marquess of Carmarthen, later duke of Leeds.

²⁸ The Earl of Nottingham, secretary of state, with charge of the war department, whose Narrative was being considered. When William set out for Ireland, in 1690, Nottingham was one of a council of nine appointed to act as advisers to Queen Mary. He enjoyed full confidence of the queen, but had many bitter enemies in Parliament. When Russell was blamed for not following up the victory of La Hogue, he fastened the blame on Nottingham, from whom he received orders. Nothing came of this inquiry, though both Nottingham and Russell were later forced to resign; Russell, however, was reinstated. *Dict. Nat. Biog.*, XIX. 2-3.

²⁹ Capt. Thomas Gillam, of the *St. Albans*, which was then at Torbay. On Aug. 31, she had "made Cape Race on Newfoundland". The ship left Newfoundland Sept. 27, and reached England between Oct. 20-23. The log book and *London Gazette*, no. 2813, cited in *Hist. MSS. Comm.*, *op. cit.*, p. 221.

³⁰ A cape at the south end of Devonshire.

July the 13th, Torbay. Mr. Russell writes the *Wild* prize should sail to Barbadoes, with the queen's orders, with the first fair wind. . . .

July the 18th, twelve leagues south from the Start. Mr. Russell writes the *Wild* prize went away the last easterly wind⁸¹

July the 22th, I sent him a list of ships designed for the West-Indies, that he might order them into port so soon as he could spare them, so as to be fitted by the end of August: I acquainted him, that most of the troops were embarked, and the last would be so this day. . . .

Touching the Squadron to Newfoundland;

June the 1st, the queen ordered Mr. Russell to send some ships and fireships immediately to Newfoundland, to destroy the French there.

5th, Mr. Russell writes, he was cleaning two fourth-rates, and two fifths, which will be ready in a few days; and then they shall go to Newfoundland.

July the 13, Mr. Russell sent a copy of the instructions he gave to the commander of this squadron; but it does not appear when he sailed.

Touching other Services. . . .

June the 2d, the Earl of Nottingham wrote to Mr. Russell to send a list of the ships he desired to keep for the main fleet for Newfoundland, and the coast of Normandy: that the rest might be employed in cruising. . . .⁸² (*C. J.*, X. 749-759.)

Dec. 22, HL. Upon reading the petition and appeal of Robert Ruddle, from a decree made in the Court of Chancery, the twelfth day of December, one thousand six hundred ninety-two, against the appellant, at the suit of John Cass; and praying the reversal of the said decree:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said John Cass may have a copy of the said petition and appeal; and be, and he is hereby, required to put in his answer thereunto, in writing, on Thursday the nine and twentieth day of this instant December, at ten of the clock in the forenoon.⁸³ (*L. J.*, XV. 161.)

Dec. 23, HC. Mr. Attorney-General reported from the committee appointed to inspect what laws are lately expired, and expiring, and what laws are fit to be revived, and further continued, and to report their opinions therein to the House, that they had considered the matter to them referred; and had come to several resolutions; which they had directed him to report to the House: and he read the same in his place; and

⁸¹ This vessel was in Barbados as late as November, when she there captured a French privateer. *Cal. St. P. Col.*, 1689-1692, p. 733.

⁸² The House passed a resolution to the effect that Admiral Russell had "behaved himself with fidelity, courage, and conduct". *C. J.*, X. 759.

⁸³ Ruddle, a merchant of London, acting upon instructions of Jeremiah Tillie, purchased for the latter some property in Port Royal, Jamaica, but refused to pay the balance due when Cass, the vendor, was unable to give satisfactory title. The Court of Chancery decreed that under the articles of agreement Cass was entitled to the full amount. *MSS. H. of L.*, 1692-1693, pp. 274-275.

afterwards delivered the same in at the clerk's table: where the same were read; and are as followeth; *viz.*

Resolved, that it is the opinion of this committee, that the act made in the twenty-second and twenty-third years of King Charles the Second, intituled, An act to prevent the planting tobacco in England, and for regulating the plantation-trade³⁴ (which, by another act, made in the first year of the late King James, was continued from the nineteenth of May 1685, for seven years, and from thence to the end of the next session of Parliament),³⁵ be continued.

And the said several resolutions being severally read a second time, one by one; the same were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill be brought in for the reviving and continuing of the said several acts, according to the said resolutions: and that Mr. Attorney-General do prepare and bring in the said bill: and that he do also prepare and bring in a clause for the better encouraging of privateers, which may be consistent with the act for prohibiting trade and commerce with France. (C. J., X. 761-762.)

1692/3.

Jan. 3, HL. The House being moved, that a day may be appointed for hearing of the cause wherein Robert Ruddle is appellat, and John Cass respondent:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that this House will hear the said cause, by counsel on both sides, at the bar, on Tuesday the seventeenth day of this instant January, at ten of the clock in the forenoon. (L. J., XV. 171.)

Jan. 6, HC. A petition of the dyers, setters, kalenders, tillot-painters, pressers, and packers, in and about the City of London, was read; setting forth, that formerly perpetuanas and serges of all sorts received their full manufacture by being dyed, etc. before they were exported the kingdom; whereby their Majesties customs for indico, and all other materials used in the dying trade, were duly paid, and many thousand persons fully employed;³⁶ but, of late years, foreigners and others, for their private gain, and to transfer the benefit of the dying trade into foreign parts, export the said manufactures white and complete, and finish them for use beyond the seas, to the ruin of thousands of families, and the loss of the said trade: and praying, that the exportation of the said goods white, and not fully manufactured, may be prohibited, or such a mulct laid thereupon, as may prevent the growing mischiefs occasioned thereby to the kingdom in general.

Ordered, that the consideration of the said petition be referred to the grand committee for trade: and that the said committee do sit to-morrow in the afternoon. (C. J., X. 770.)

³⁴ See vol. I. of this series, p. 371, n. 49.

³⁵ 1 Jac. II. c. 17; *ibid.*, p. 428.

³⁶ In 1673, by 25 Car. II. c. 7, the duty on indigo was placed at 2 d. per lb., on log-wood £5 per ton, on other dyewoods 6 d. per cwt. See *ibid.*, p. 399 n.

Jan. 10, HC. A petition of Sir William Scawen, and others, touching the Greenland trade of fishing, was read; setting-forth, that the trade to Greenland for whale-fishing hath formerly been very beneficial to this kingdom, not only for the great quantities of whalebone and oil which hath been imported from thence; but also a nursery for seamen, and the expence of provisions for victualling the ships: that the said trade, for many years past, having been wholly lost to this nation, and engrossed by foreign nations, some London merchants, about twenty years ago, did attempt to regain the said trade; and, for their encouragement therein, an act was passed in the twenty-fifth *Car. II*^{di},⁸⁷ whereby it was enacted (*inter alia*), that it should be lawful for any vessel belonging to England (whereof the master should be an Englishman), employed for the catching of whales, till the twenty-fifth March 1683, to be navigated with one moiety of the mariners only English; and yet to pay no other custom for the oil-blubber, or fins, than if the ships had been navigated with three-fourths of the mariners English: that, during the continuance of the said act, several merchants did, on their separate accounts, fit out divers ships; and some small quantities of whalebone and oil were imported, and the foreign markets kept at reasonable rates; but those merchants, meeting with many losses and difficulties, were wholly discouraged and disabled to proceed therein; and could never bring the said trade to any perfection: that, since the year 1683, when the said act expired, there hath not been one ship sent from England to Greenland; so that whalebone, which, about 1683, was sold at sixty pounds per ton, is now sold for four hundred pounds the ton; whereby Holland and Hamburgh draw out of this kingdom above one hundred thousand pounds for whalebone and whale-oil: that, it being now impossible to regain the said trade otherwise than by a joint stock, the petitioners have agreed and, undertaken to raise a joint stock of forty thousand pounds, to be wholly employed in the said trade: and praying leave to bring in a bill for incorporating the petitioners, and granting to them the sole privilege of navigating such ships as shall be employed in the Greenland trade; and that the House would take the same into consideration.

Ordered, that the consideration of the said petition be referred to a committee: and that they do prepare and bring in a bill for encouraging the Greenland trade of fishing.

And it is referred to Sir Sam. Bernardiston, Sir Richard Onslow, Sir Math. Andrewes, Mr. Burrard, Serjeant Tremaine, Mr. Mountague, Mr. Scobell, Sir Edward Abney, Mr. Onslow, Sir Edward Seymour, Sir. Tho. Clarges, Mr. Fuller, Mr. Waller, Mr. Blowfield, Mr. Pitts, Sir Robert Rich, Mr. Colson, Sir Rich. Temple, Mr. Chadwick, Mr. Piggott, Mr. Baile, Mr. Sandford, Mr. Cook, Mr. Papillion, Mr. England, Mr. Hutchinson, Sir Sam. Dashwood, Sir Stephen Evans, Colonel Perry, Sir John Moreton, Mr. Stokes, Sir John Dorrell, Sir John Key; and all the merchants of the House: and they are to meet this afternoon at four a clock, in the Speaker's Chamber. (*C. J.*, X. 773.)

⁸⁷ *C. 7*; vol. I. of this series, pp. 398-399.

Jan. 23, HL.³⁸ Upon reading the petition and appeal of John Gardner merchant, and Dame Letitia Bawdon, widow and executrix of Sir John Bawdon deceased, from an order made in the Court of Exchequer the seventh day of May last, and from a decretal order made in the said court the thirteenth day of June, in a cause there then depending, between the petitioners plaintiffs, and the Royal Affrican Company of England defendants, and from a final decree made in the said cause the four and twentieth day of November last; and praying the reversal of the said orders and decree:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Royal Affrican Company may have a copy of this petition and appeal; and shall and are hereby required to put in their answer thereunto on Thursday the second day of February next, at ten of the clock in the forenoon; and that all proceedings in the courts below be stayed in the mean time.³⁹ (*L. J.*, XV. 195.)

Jan. 25, HL. Upon hearing counsel this day, at the bar, upon the petition and appeal of Robert Ruddle, from a decree made in the Court of Chancery, the twelfth day of December, one thousand six hundred ninety-two, against the appellant, at the suit of John Cass; as also upon the answer of the said John Cass put in thereunto:

After due consideration had of what was offered by counsel on either side thereupon, it is ordered and adjudged, by the Lords Spiritual and Temporal in Parliament assembled, that the said petition and appeal of Robert Ruddle shall be, and is hereby, dismissed this House; and that the decree from which he appealed shall be, and is hereby, affirmed. (*Ibid.*, p. 199.)

Jan. 25, HC. Sir Mathew Andrewes reported, from the committee to whom the consideration of the petition of Sir William Scawen, and others, touching the Greenland trade of fishing, and also to prepare and bring in a bill for the encouraging the said trade, was referred, that they had prepared a bill (which they had directed him to present to the House) for the regulating, encouraging, and settling the Greenland trade. And the same was received.⁴⁰ (*C. J.*, X. 788.)

³⁸ On Jan. 17, in *Ashby v. Crawford* and others, before the Lords, the petition of the former stated that John Swanson, a Barbadian dealer, sued the petitioner on account of "a cargo of stuffs and perpetuanoes", under an agreement that Swanson should have half the net profits of the goods, on the return of the vessel. Ashby's answer was that the vessel never returned, having been lost or destroyed at Barbados on her return voyage. Swanson dying, the case was revived by the respondents who secured a verdict. The petition and appeal against the verdict were, on Mar. 9, dismissed. *MSS. H. of L.*, 1692-1693, p. 303; *L. J.*, XV. 186, 255, 282.

³⁹ *MSS. H. of L.*, 1692-1693, p. 314.

⁴⁰ 4 Gul. et Mar. c. 17 (*Statutes*, VI. 405). In accordance with the provisions of this act the Company of Merchants of London trading into Greenland was incorporated, for a period of 14 years, with a capital stock of £40,000. Trading was allowed in all places, excepting in the seas belonging to the American colonies and plantations. The governing body consisted of a governor, deputy governor, and 16 committees. Subscribers of less than £500 had no vote, of £500 one vote, of £1000 two votes; no stockholder could have more than two votes. Sales of goods, in lots not exceeding £300 in value, were to be held annually, and all dividends were to be paid in money, not in kind. At least one-third of the mariners of each ship was to be English. Further enactments concerning the company were made by 7 and 8 Gul. III. c. 33, and by 1 Ann. c. 16. See *post*, pp. 174, 448; Scott, *Joint-Stock Companies*, II. 379.

Jan. 25, HC. Mr. Attorney-General, according to the order of the day, reported, from the committee of the whole House to whom it was referred to consider further of ways and means for raising the supply to be granted to their Majesties, for the carrying on a vigorous war against France, the resolutions agreed upon by the said committee: the which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as foll[ows], *viz.*⁴¹

25. Resolved, that it is the opinion of this committee, that the additional impost on coffee, imposed by the act made in the first year of their Majesties reign, be reduced to half the duty imposed by the said act, for all coffee imported after the twenty-fifth day of December 1692.⁴²

27. Resolved, that it is the opinion of this committee, that the additional impost on cocoa-nuts, imposed by the act made in the first year of their Majesties reign, be reduced to six-pence the pound weight for all cocoa-nuts, imported after the twenty-fifth day of December 1692. . . .

43. Resolved, that it is the opinion of this committee, that there be laid (above what is now charged in the book of rates) an additional duty of five pounds for every hundred pounds value of all sorts of furs, imported after the twenty-fifth day of December 1692; and so in proportion for any greater or lesser quantity.⁴³

52. Resolved, that it is the opinion of this committee, that there be laid (above what is now charged by the book of rates) an additional duty of four-pence for every pound of indigo (not being of the growth of any of the dominions or plantations belonging to the crown of England) imported after the twenty-fifth day of December 1692.

53. Resolved, that it is the opinion of this committee, that there be laid (above what is now charged in the book of rates) an additional duty of two-pence for every pound of indigo, of the growth of the dominions and plantations belonging to the crown of England, imported after the twenty-fifth day of December 1692.⁴⁴

62. Resolved, that it is the opinion of this committee, that there be laid upon all pitch (not being of the product of any of the dominions or plantations belonging to the crown of England or Scotland) an additional duty of one moiety more than what is charged upon the same, imported after the twenty-fifth of December 1692.⁴⁵

64. Resolved, that it is the opinion of this committee, that there be laid (above what is now charged in the book of rates)⁴⁶ an additional duty of five pounds for every hundred pounds value of all rice, imported after the twenty-fifth day of December 1692; and so in proportion for any greater or lesser quantity.

⁴¹ In addition to the commodities here specified, resolutions were also read affecting duties on wood and soap ashes, unbound books, lamp black, foreign brandy and spirits, chocolate, currants and raisins, flax, hides, leather, silk, tea, dyeing wood, wool, etc.

⁴² Sess. 2, c. 6; *ante*, p. 14 n. The rate was £5, 12 s. per cwt. The rate on cocoanuts, by the same act, was £8, 8 s. per cwt.

⁴³ The rates on furs varied, depending upon the kind.

⁴⁴ See vol. I., pp. 274 n. and 399 n.

⁴⁵ Pitch and tar, mentioned below, according to the book of rates of 12 Car. II. c. 4, were to pay on a valuation of £2, 10 s. per last of 12 bbls.

⁴⁶ £1, 6 s., 8 d. per cwt.

65. Resolved, that it is the opinion of this committee, that there be laid (above what is now charged in the book of rates)⁴⁷ an additional duty of ten pounds for every hundred pounds value of all sorts of rosin (except French rosin), not being of the product of any of the dominions or plantations belonging to the crown of England or Scotland, imported after the twenty-fifth day of December 1692; and so in proportion for any greater or lesser quantity. . . .

72. Resolved, that it is the opinion of this committee, that there be laid upon all tar (not being the product of any of the dominions or plantations belonging to the crown of England or Scotland), imported after the twenty-fifth day of December 1692, an additional duty of one moiety more than what is charged upon the same. . . .

Resolved, that the farther consideration of the said report be adjourned till to-morrow morning, eleven a clock. (*Ibid.*, pp. 789-792.)

Jan. 26, HC. Then the House proceeded in the consideration of the said report.⁴⁸

The twenty-fifth twenty-seventh being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House. . . .

The Forty-third fifty-second, fifty-third resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Resolved, that the farther consideration of the said report be adjourned till to-morrow morning, ten a clock. (*C. J.*, X. 793.)

Jan. 27, HC. Then the House, according to the order of the day, resumed the farther consideration of the report from the committee of the whole House, to whom it was referred to consider farther of ways and means for raising the supply to be granted to their Majesties, for the carrying on a vigorous war against France. . . .

The seventy-second resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.⁴⁹

Ordered, that Sir Tho. Clarges, Mr. Attorney-General, and Mr. Solicitor-General, do prepare and bring in a bill upon the said resolutions. . . . (*Ibid.*, pp. 794-795.)

Feb. 1, HC. A bill for the regulating, encouraging, and settling the Greenland trade, was read the first time.⁵⁰

Resolved, that the bill be read a second time. (*Ibid.*, p. 801.)

Feb. 3, HC. Mr. Attorney-General, according to order,⁵¹ presented to the House a bill for reviving, continuing, and explaining several laws expired, and near expiring. And the same was received. (*Ibid.*, p. 802.)

⁴⁷ 6 s. 8 d. per cwt., according to 12 Car. II. c. 4.

⁴⁸ See preceding entry.

⁴⁹ The *Journals* show no action by the House on resolutions numbered 57 to 65 inclusive, though impositions on the goods referred to in them were provided for by the bill which was brought in and passed.

⁵⁰ *Ante*, p. 68.

⁵¹ Of Dec. 1 and 23; *C. J.*, X. 729, 761. This act (4 Gul. et Mar. c. 24), *inter alia*, continued for 7 years 22 and 23 Car. II. c. 26, which had been continued by 1 Jac. II. c. 17 (vol. I., pp. 370-371, 428), An act to prevent the planting of tobacco in England and

Feb. 4, HC. A bill for reviving, continuing, and explaining several laws expired, and near expiring, was read the first time.

Resolved, that the bill be read a second time. (*C. J.*, X. 804.)

Feb. 4, HC. Mr. Attorney-General also, according to order,⁵² presented to the House a bill for the continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

And the same was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*)

Feb. 6, HL. The House being moved, that a day may be appointed for hearing of the cause wherein John Gardiner and Letitia Bawden are appellants, and the Affrican Company respondents:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that this House will hear the said cause, by counsel on both sides, at the bar, on Saturday the eleventh day of this instant February, at ten of the clock in the forenoon.⁵³ (*L. J.*, XV. 215.)

Feb. 7, HC. A bill for the regaining, encouraging, and settling the Greenland trade, was read the second time.

Resolved, that the bill be committed to Sir Math. Andrews, Mr. Goldwell, Mr. Waller, Mr. Shackerly, Mr. Hutchinson, Sir John Moreton, Mr. Scobell, Mr. Piggot, Mr. Boscowen, Sir Robert Cotton, Mr. Perry, Mr. Thornhaugh, Mr. Hopkins, Mr. Dolben, Mr. Gilbert, Sir Ra. Carr, Sir Tho. Roberts, Mr. Brockman, Mr. Hungerford, Mr. Biddulph, Mr. Lutterell, Mr. Freeman, Mr. Harley, Mr. England, Sir Wm. Honynwood, Mr. Ash, Mr. Wilmot, Mr. Dowdswell, Mr. Harvey, Mr. Bromley, Mr. Fuller, Mr. Colt, Mr. Burrard, Colonel Titus, Mr. Burrige, Mr. Hawtry, Mr. Dore, Mr. Osborne, Mr. Lewis, Mr. Hedger, Sir Fra. Massam, and all the members of the House that are merchants, and that serve for the Cinque-Ports, and other port-towns: and they are to meet this afternoon at four a clock, in the Speaker's Chamber. (*C. J.*, X. 806.)

Feb. 10, HC. A bill for reviving, continuing, and explaining several laws expired, and near expiring, was read the second time.⁵⁴

Resolved, that the bill be committed, upon the debate of the House, to Mr. Clarke, Mr. Stokes, Colonel Titus, Mr. Arnold, Mr. Mountague, Mr. Hopkins, Sir Tho. Clarges, Sir Edward Seymour, Mr. Gwynn, Mr. Bockenham, Mr. Bowyer, Mr. Blofield, Mr. Sandford, Mr. White, Sir Chr. Musgrave, Mr. Mansell, Mr. Hutchinson, Mr. How, Captain Lutterell, Sir John Dorrell, Mr. Thornhaugh, Mr. Trelawney, Mr. Palmer, Mr. Bromley, Sir Jos. Tredenham, Mr. Freke, Sir Walt. Young, Mr. Fawkes, Mr. Waller, Sir Rob. Cotton, Mr. Bickerstaffe, Mr. Foley, Colonel Beaumont, Sir John Knight, Mr. Slater, Sir John Key, Mr. Dyot, Mr. Balch,

for regulating the plantation trade. (*Statutes*, VI. 417.) This act was further continued by 11 and 12 Gul. III. c. 13 (*post*, p. 364), and by 5 Geo. I. c. 11 was made to continue as long as 12 Car. II. c. 4, the tonnage and poundage act of 1660.

⁵² Dec. 23; *C. J.*, X. 762. A similar bill was presented during the previous session (*ibid.*, pp. 595, 598). By section 16 of this act (4 Gul. et Mar. c. 25), prizes taken in the West Indies and other parts of America could be carried to any port there and placed in charge of the governor of such island or plantation until lawfully disposed of. *Statutes*, VI. 422.

⁵³ *Ante*, p. 69; *post*, p. 74.

⁵⁴ See note 51, *ante*.

Serjeant Wogan, Mr. Beare, Sir Fr. Molyneux, Sir John Moreton, Mr. Price, Mr. Attorney-General, Mr. Cook, Mr. England, Mr. Smith, Sir Cha. Raleigh, Mr. Wyndham, Colonel Granville, Mr. Fenwick, Colonel Goldwell, Mr. Harley; and all the members that are of the long robe: and they are to meet this afternoon at four a clock, in the Speaker's Chamber. (*Ibid.*, p. 809.)

Feb. 11, HC. A bill for the continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers, was read the second time.⁵⁵

Resolved, that the bill be committed, upon the debate of the House, to Sir Chr. Musgrave, Mr. Wharton, Sir John Dorrell, Mr. Cooke, Sir Fr. Molyneux, Mr. Dyot, Mr. Hutchinson, Mr. Roberts, Mr. Slater, Mr. Stokes, Mr. Norryes, Mr. Palmes, Mr. Gee, Mr. Mountague, Lord Eland, Colonel Granville, Lord Norryes, Mr. Fenwick, Mr. Lutterell, Mr. Deane, Mr. Trelawney, Sir John Guise, Mr. How, Mr. Arnold, Sir Tho. Mompeyson, Mr. Hawtry, Mr. Ryder, Sir Wm. Langham, Lord Pawlet, Mr. Bockland, Mr. Henly, Mr. Clarke, Mr. Hedger, Sir Mat. Andrews, Mr. England, Mr. Attorney-General, Mr. Fuller, Mr. Gwynn, Mr. Colson, Sir John Austin, Mr. White, Mr. Burrridge, Mr. Serjeant Trenchard, Sir Walter Young, Mr. Blowfield, Sir Edward Abney, Mr. Harcourt, Mr. Biddulph, Sir Tho. Littleton, Mr. Burdett, Colonel Titus, Mr. Parkhurst, Mr. Bowyer, Captain Churchill, Lord Cognisby, Mr. Harley, Lord Bellamont, Sir Cha. Raleigh, Mr. Beddingfield, Mr. Travers, Sir John Moreton, Mr. Perry, Sir Hen. Johnson, Sir Jo. Manwaring, Mr. Brewer, Sir Fran. Massam, and all the merchants that are members of the House, and all that serve for the ports and Cinque-Ports: and they are to meet at four a clock this afternoon, in the Speaker's Chamber.

And it is to be an instruction to the committee, that they give all possible encouragement to privateers, that may consist with the prohibition of the trade with France. (*Ibid.*, p. 810.)

Feb. 13, HC. Mr. Attorney-General, according to order, presented to the House a bill for granting to their Majesties certain additional impositions upon merchandize.⁵⁶

And the bill was read the first time.

Resolved, that the bill be read the second time. (*Ibid.*, p. 812.)

Feb. 13, HC. Ordered, that Mr. Mayne, Sir Wm. Yorke, Mr. Beak, Mr. Beare, Sir Fr. Blake, be added to the committee to whom the bill for the continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers, is committed. (*Ibid.*)

Feb. 14, HC. A bill for granting to their Majesties certain additional impositions upon merchandize was read the second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, to-morrow morning (after the report from the committee of the whole House, touching the supply, is made), resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*)

⁵⁵ *Ante*, p. 72; *post*, pp. 74, 76, 79, 80, 81, 83.

⁵⁶ 4 Gul. et Mar. c. 5 (*Statutes*, VI. 380). The duties specified in the resolutions read Jan. 25 and 26, *ante*, were incorporated in this act.

Feb. 14, HL. Whereas this day was appointed for hearing counsel in the cause wherein John Gardner and Letitia Bawden are appellants, and the Royal Affrican Company respondents: ⁵⁷

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that this House will hear counsel on either side thereupon, to-morrow, at ten of the clock in the forenoon. (*L. J.*, XV. 229.)

Feb. 15, HL. Upon hearing Mr. John Gardner merchant on the behalf of himself and Dame Letitia Bawdon, widow and executrix of Sir John Bawdon, deceased, upon the petition and appeal of the said John Gardner and Dame Letitia Bawdon, from an order made in the Court of Exchequer the seventh day of May last, and from a decretal order made in the said court the thirteenth of June following; and from a final decree made in the said cause the four and twentieth day of November last; as also counsel upon the answer of the Royal Affrican Company of England, under their common seal, put in thereunto:

After due consideration had of what was offered on either side thereupon, it is ordered and adjudged, by the Lords Spiritual and Temporal in Parliament assembled, that the said petition and appeal of John Gardner and Letitia Bawdon shall be, and is hereby, dismissed this House; and that the said orders of the seventh day of May last and the thirteenth of June following, and the final decree made the four and twentieth day of November last in the said Court of Exchequer, shall be, and they are hereby, affirmed. ⁵⁸ (*Ibid.*, p. 231.)

Feb. 15, HC. Mr. Attorney-General reported from the committee to whom the bill for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers, was committed, that there were but few of the committee that met; and that they conceived the bill to be of very great and publick concern, and the matter thereof very difficult to be settled by them, there being thereby several merchandizes, and other considerable advantages, to be granted to the subject; and therefore did not think fit to proceed thereupon; but ordered him to lay the matter, with the bill, before the House, for their further direction therein.

Which the House taking into consideration;

Resolved, that the select committee be discharged: and that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Monday morning next, at eleven a clock, resolve itself into a committee of the whole House, to consider of the said bill. (*C. J.*, X. 815.)

Feb. 15, HC. Mr. Attorney-General, according to the order of the day, reported, from the committee of the whole House, to whom it was referred to consider farther of ways and means for raising the supply to be granted to their Majesties, for the carrying on a vigorous war against France, the resolutions agreed upon by the said committee: the which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read; and are as followeth. . . .

⁵⁷ Postponed from Feb. 11. *L. J.*, XV. 223-224.

⁵⁸ *Ante*, p. 69.

2. Resolved, that it is the opinion of this committee, that, towards the raising the supply to be granted to their Majesties, a charge of twenty shillings be laid on every share in the African Company.

3. Resolved, that it is the opinion of this committee that, towards the raising the supply to be granted to their Majesties, a charge of five pounds be laid on every share in the Hudson's-Bay Company.

4. Resolved, that it is the opinion of this committee, that, towards the supply to be granted to their Majesties, the sum of five hundred thousand pounds be raised upon the duties of wine, vinegar, and tobacco, mentioned in an act made in the second year of their Majesties reign, intituled, An act for the continuance of several former acts therein mentioned, for the laying several duties upon wine, vinegar, and tobacco:⁵⁹ and that, in order thereunto, the said duties be continued for two years longer than the same are already granted. . . .

The first three of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The fourth resolution being read a second time;

An amendment was proposed to be made, by leaving out "five hundred thousand"; and inserting "three hundred thousand pounds", instead thereof. -

And the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the House doth agree with the committee in the said resolution, so amended, that, towards the supply to be granted to their Majesties, the sum of three hundred thousand pounds be raised upon the duties of wine, vinegar, and tobacco, mentioned in an act made in the second year of their Majesties reign, intituled, An act for the continuance of several former acts therein mentioned, for the laying several duties upon wine, vinegar, and tobacco: and that, in order thereunto, the said duties be continued for two years longer than the same are already granted. . . .

Ordered, that a bill or bills be brought in upon the said resolutions.

Ordered, that Mr. Attorney-General, Sir Chr. Musgrave, Mr. Solicitor-General, Mr. Foley, Sir Tho. Clarges, do prepare and bring in the same. (*Ibid.*, pp. 815-816.)

Feb. 15, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for granting to their Majesties several additional impositions upon merchandizes. . . .

Mr. Attorney-General reported from the said committee, that they had gone through the bill; and made several amendments: which they had directed him to report to the House.

Ordered, that the said report be made to-morrow.⁶⁰ . . . (*Ibid.*, p. 816.)

⁵⁹ Sess. 2, c. 5; *ante*, p. 37.

⁶⁰ It was postponed to the day following, and again to the 18th. C. J., X. 817, 818.

Feb. 18, HC. Mr. Attorney-General, according to the order of the day, reported, from the committee of the whole House, to whom the bill for granting to their Majesties several additional impositions upon merchandize was committed, the amendments made, by the said committee, to the said bill: the which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout, and afterwards a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House: and some other amendments were made by the House. . . .

Resolved, that the further consideration of the said bill be adjourned till Monday morning next, eleven a clock. (*C. J.*, X. 819.)

Feb. 20, HC. Mr. Attorney-General, according to the order of the day, reported from the committee to whom the bill for reviving, continuing, and explaining several laws expired, and near expiring, was committed, that they had made several amendments to the bill; which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and several of them were severally read a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 820.)

Feb. 20, HC. Then the House resumed the consideration of the bill for granting to their Majesties several additional impositions upon merchandize. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*)

Feb. 21, HC. Sir Math. Andrews reported from the committee to whom the bill for the regaining, encouraging, and settling the Greenland trade was committed, that they had made several amendments to the bill; which they had directed him to report to the House: and which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 821.)

Feb. 21, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers. . . .

Mr. Attorney-General reported from the said committee, that they had made a considerable progress in the bill; and that they had directed him to move, that they might have leave to sit again.

Resolved, that this House will, upon Thursday morning next, resolve itself into a committee of the whole House, to consider further of the said bill. (*Ibid.*, pp. 821-822.)

Feb. 23, HC. An ingrossed bill for granting to their Majesties several additional impositions upon several goods and merchandizes was read the third time.

Resolved, that the further consideration of the said bill be adjourned till to-morrow morning, eleven a clock. (*Ibid.*, p. 824.)

Feb. 24, HC. An ingrossed bill for the regaining, encouraging, and settling the Greenland trade was read the third time: and

An ingrossed clause was offered, as a rider, that nothing in the act shall extend to the merchants or traders in the city of York, or town of Kingston upon Hull.

And the question being put, that the same be read the second time; It passed in the negative.

Resolved, that the bill do pass: and that the title be, An act for the regaining, encouraging, and settling the Greenland trade.

Ordered, that Sir Math. Andrews do carry the bill to the Lords;⁶¹ and desire their concurrence thereunto. (*Ibid.*, p. 825.)

Feb. 24, HC. Then the House proceeded to consider further of the ingrossed bill for granting to their Majesties several additional impositions upon merchandize: and several amendments were severally proposed to be made in the bill

Resolved, that the bill do pass: and that the title be, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting the present war with France.

Ordered, that Mr. Attorney General do carry the bill to the Lords; and desire their concurrence thereunto.⁶² (*Ibid.*, p. 826.)

Feb. 25, HC. Resolved, that this House will, upon Tuesday morning next, at eleven a clock, resolve itself into a committee of the whole House, to consider farther of the bill for continuing the acts for prohibiting all trade and commerce with France, and for encouragement of privateers. (*Ibid.*, p. 835.)

Feb. 25, HL. *Hodie 1a vice lecta est billa*, intituled, An act for the regaining, encouraging, and settling, the Greenland trade. (*L. J.*, XV. 249.)

Feb. 27, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the regaining, encouraging, and settling, the Greenland trade.

Ordered, that the consideration of this bill shall be committed to the Lords following:

D. Norfolk, *Dux* Somersett, *March.* Halifax, *Ds.* Magnus Camerarius,⁶³ *Comes* Bedford, *Comes* Bridgewater, *Comes* Clare, *Comes* Westmoreland, *Comes* Manchester, *Comes* Mulgrave, *Comes* Stamford, *Comes* Kingston, *Comes* Thanet, *Comes* Bathe, *Comes* Craven, *Comes* Maclesfeld, *Comes* Rochester, *Comes* Montagu, *Comes* Monmouth, *Comes* Marleborough, *Comes* Scarborough, Viscount Newport, Viscount Weymouth, *Epus.* London, *Epus.* Durham, *Epus.* Winton, *Epus.* Exon., *Epus.* Bangor, *Epus.* Peterborough, *Epus.* Gloucester, *Epus.* Lincolne, *Epus.* St. Asaph, *Ds.* Howard Eff., *Ds.* Chandos, *Ds.* Hunsdon, *Ds.* Brooke, *Ds.* Vaughan, *Ds.* Culpeper, *Ds.* Clifford, *Ds.* Ossulstone, *Ds.* Ashburnham.

Their Lordships, or any five of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*Ibid.*, p. 251.)

⁶¹ *L. J.*, XV. 247.

⁶² *Ibid.*, p. 249.

⁶³ Robert Bertie, earl of Lindsey.

Feb. 27, HL. Hodie 1a vice lecta est billa, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting the present war against France.

Ordered, that the said bill shall be read a second time to-morrow, at ten of the clock in the forenoon. (*L. J.*, XV. 251.)

Feb. 27, HC. An ingrossed bill for reviving, continuing, and explaining several laws therein mentioned, which were expired, and near expiring, was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for the reviving, continuing, and explaining several laws therein mentioned, which were expired, and near expiring.

Ordered, that Mr. Attorney-General do carry the bill to the Lords; and desire their concurrence thereunto.⁶⁴ (*C. J.*, X. 836.)

Feb. 28, HC. Mr. Attorney-General, according to order, presented to the House a bill for the laying several impositions upon the East-India Company stocks, and other stocks; and for continuing certain impositions upon several goods and merchandize. And the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time.⁶⁵ (*Ibid.*, p. 837.)

Feb. 28, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers. . . .

Mr. Attorney-General reported from the said committee, that they had gone through the bill, and made several amendments: which they had directed him to report to the House, when the House pleased to receive the same.

Ordered, that the said report be made upon Thursday morning next, at ten a clock. (*Ibid.*, pp. 837-838.)

Feb. 28, HL. Hodie 2a vice lecta est billa, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the present war with France.⁶⁶

Ordered, that this bill be committed to a committee of the whole House, to-morrow, at ten of the clock in the forenoon. (*L. J.*, XV. 252.)

Mar. 1, HL. The House was adjourned during pleasure, and put into a committee, on the bill, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the war against France.

The House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the bill; and think it fit to pass, without any amendment.

⁶⁴ *L. J.*, XV. 252.

⁶⁵ 4 Gul. et Mar. c. 15 (*Statutes*, VI. 401). The duties imposed upon tobacco by 1 Jac. II. c. 4 (vol. I., p. 426) and continued by 2 Gul. et Mar. sess. 2, c. 5 (*ante*, p. 37), were further continued by this act to June 24, 1698. The act also taxed the shares of the Royal African Company and the Hudson's Bay Company, in accordance with the provisions of the resolutions of Feb. 15, *ante*.

⁶⁶ *Ante*, pp. 70-71, 73, 77.

Hodie 3a vice lecta est billa, intituled, An act for the granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the war against France.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Adam Ottley:

To let them know, this House have passed the said bill, without any amendment.⁶⁷ (*Ibid.*, 255.)

Mar. 1, HC. A bill for laying several impositions upon the East-India Company stock, and other stocks, and for continuing certain impositions upon several goods and merchandize, was read the second time.

Resolved, that the bill be committed to a committee of the whole House. (*C. J.*, X. 838.)

Mar. 2, HL. The Earl of Stamford reported from the committee, the bill, intituled, An act for regaining, encouraging, and settling, the Greenland trade, as fit to pass, with some amendments.

Which were read twice, and agreed to.

Then, *hodie 3a vice lecta est billa*, intituled, An act for regaining, encouraging, and settling, the Greenland trade.

The question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Adam Ottley:

To return the said bill, and desire their concurrence to the said amendments.⁶⁸ (*L. J.*, XV. 256.)

Mar. 2, HC. Mr. Attorney-General reported from the committee of the whole House, to whom the bill for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers, was committed,⁶⁹ that they had made several amendments to the bill; which they had directed him to report to the House: the which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Then a clause was offered to be added to the bill, that, if any captain, or other person, shall imbezil, or put on shore, otherwise than in their Majesties warehouses, any goods or merchandize taken as prize, they shall lose the whole share of such prize.

And the same was twice read; and agreed unto by the House to be made part of the bill. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, X. 840.)

⁶⁷ *C. J.*, X. 840. The royal assent was given Mar. 14; *L. J.*, XV. 288.

⁶⁸ *C. J.*, X. 840.

⁶⁹ *Ante*, pp. 72, 73, 74.

Mar. 2, HC. Then the House proceeded to take into consideration the amendments made by the Lords to the bill, intituled, An act for the regaining, encouraging, and settling the Greenland trade.

And the same were twice read, and agreed unto by the House; and are as followeth;

Press 11. l. 43. after "least", add "of which sales publick notice shall be given, upon the Royal Exchange in London, at least three weeks before".

Pr. 12. l. 2. instead of "five", read "three".

Ordered, that Sir Sam. Bernardiston do carry the bill to the Lords; and acquaint them, that this House hath agreed to the said amendments.⁷⁰ (C. J., X. 840.)

Mar. 3, HL. *Hodie 1a vice lecta est billa*, intituled, An act for reviving, continuing, and explaining, several laws therein mentioned, which were expired, and near expiring.⁷¹ (L. J., XV. 271-272.)

Mar. 4, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the reviving, continuing, and explaining, several laws therein mentioned, which are expired, and near expiring.

Ordered, that the consideration hereof be referred to the committee aforesaid.⁷² (*Ibid.*, p. 274.)

Mar. 6, HC. An ingrossed bill for the continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers, was read the third time. . . .

Then an ingrossed clause was offered, as a rider, that, if any commissioner of the prizes or customs shall detain the shares belonging to any person interested in any privateer, longer than two days after the time limited by the act, they shall forfeit double the sum so detained.

And the same was thrice read; and, upon the question put thereupon, agreed unto by the House to be made part of the bill.

Another ingrossed clause was offered as a rider, that the seamen should have ten pounds given for every gun taken.

And the same was read the first time; and withdrawn, by leave of the House.

Resolved, that the bill do pass: and that the title be, An act for the continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

Ordered, that Mr. Attorney-General do carry the bill to the Lords; and desire their concurrence thereunto.⁷³ (C. J., X. 844.)

Mar. 7, HC. Then the House, according to order of the day, resolved itself into a committee of the whole House, to consider of the bill for laying several impositions upon the East-India Company stock, and other stocks, and for continuing certain impositions upon several goods and merchandize.⁷⁴

⁷⁰ The royal assent was given Mar. 14; L. J., XV. 288.

⁷¹ *Ante*, pp. 71, 78.

⁷² The committee on the bill for making sea water fresh, whose names are given, *ibid.*, p. 273.

⁷³ *Ibid.*, p. 276.

⁷⁴ *Ante*, pp. 72, 74, 76, 70.

Mr. Attorney-General reported from the committee, that they had gone through the bill; and made several amendments to the same; which they had directed him to report to the House.

Ordered, that the said report be made to-morrow morning at ten a clock. (*Ibid.*, p. 845.)

Mar. 7, HL. *Hodie 1a vice lecta est billa*, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers. (*L. J.*, XV. 277.)

Mar. 8, HL. The Earl of Bridgewater reported from the Lords committees, the bill, intituled, An act for reviving, continuing, and explaining, several laws therein mentioned, as fit to pass, without any amendment.

Then, *hodie 3a vice lecta est billa*, intituled, An act for reviving, continuing, and explaining, several laws therein mentioned. . . .

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Adam Ottley:

To let them know, the Lords have passed the said bill.⁷⁵ (*Ibid.*, p. 280.)

Mar. 8, HL. *Hodie 2a vice lecta est billa*, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

Ordered, that the said bill be committed to a committee of the whole House, to-morrow, at eleven of the clock in the forenoon.

Upon reading the petition of Thomas Chambers, John Frank, and Samuel Lockley, on behalf of themselves and others concerned in privateers; praying to be heard, by their counsel, touching the bill, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard, as desired, to-morrow, at eleven of the clock in the forenoon, in a committee of the whole House.⁷⁶ (*Ibid.*)

Mar. 8, HC. Mr. Attorney-General, according to the order of the day, reported, from the committee of the whole House, the amendments made to the bill for laying several impositions upon the East-India Company stock, and other stocks, and for continuing certain impositions upon several goods and merchandize: the which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, X. 846.)

Mar. 9, HC. An ingrossed bill for laying several impositions upon the East-India Company stock, and other stocks, and for continuing certain impositions upon several goods and merchandize, was read the third time. . . .

An ingrossed clause was offered, as a rider, that all customs, payable after the twenty-fifth March 1693, for goods sold as prize, shall be ap-

⁷⁵ *C. J.*, X. 847. The royal assent was given Mar. 14; *L. J.*, XV. 288.

⁷⁶ At the hearing the counsel protested that the bill was prejudicial to the petitioners and would greatly discourage English privateers. Hist. MSS. Comm., *Fourteenth Rept.*, App., pt. VI. (*MSS. H. of L.*), pp. 384-386.

plied to the credit of an act of this session, for granting to their Majesties certain additional impositions upon several goods and merchandize, for prosecuting the present war against France.

And the same was twice read; and some amendments proposed, and agreed unto by the House.

And then the same was read the third time; and, upon the question put thereupon, agreed unto to be made part of the bill.

Resolved, that the bill do pass: and that the title be, An act for continuing certain acts therein mentioned, and for charging several joint stocks.

Ordered, that Mr. Attorney-General do carry the bill to the Lords; and desire their concurrence thereunto.⁷⁷ (*C. J.*, X. 847.)

Mar. 9, HL. The House was adjourned during pleasure, and put into a committee, upon the bill, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

The House was resumed.

And the Lord Godolphin reported, that the committee had made some progress in the bill, and desire another time may be appointed for the committee to sit again.

Ordered, that this House shall be put into a committee, to proceed on the said bill, to-morrow, the first business. (*L. J.*, XV. 281-282.)

Mar. 10, HL. *Hodie 1a vice lecta est billa*, intituled, An act for continuing certain acts therein mentioned, and for charging several joint stocks. (*Ibid.*, p. 282.)

Mar. 10, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that to-morrow, at ten of the clock, the House shall be put into a committee, to proceed on the bill, intituled, An act for continuing the act for prohibiting all trade and commerce with France, and for the encouragement of privateers; and that Sir Charles Hedges⁷⁸ shall then be heard at the committee. (*Ibid.*, p. 284.)

Mar. 11, HL. *Hodie 2a vice lecta est billa*, intituled, An act for continuing certain acts therein mentioned, and for charging several joint stocks.

Ordered, that the said bill be committed to a committee of the whole House presently.

Then the House was adjourned during pleasure, and put into a committee, upon the said bill.

The House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill, without any amendment.

Then, *hodie 3a vice lecta est billa*, intituled, An act for continuing certain acts therein mentioned, and for charging several joint stocks.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

⁷⁷ *L. J.*, XV. 282.

⁷⁸ Judge of the Admiralty Court and reputed author of *Reasons for Settling Admiralty Jurisdiction*. He was called in to be heard as to the part of the prize to go to the Lord High Admiral. *Hist. MSS. Comm., Fourteenth Rept. (MSS. H. of L.)*, loc. cit.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir John Francklyn:

To let the Commons know, this House hath passed the said bill, without any amendment.⁷⁹ (*Ibid.*)

Mar. 11, HL. The House was adjourned during pleasure, and put into a committee, upon the bill, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

The House was resumed.

And the Lord Godolphin reported, that the committee had gone through the said bill, with amendments.

Which, being read, were agreed to.

Then, *hodie 3a vice lecta est billa*, intituled, An act for continuing the acts for prohibiting all trade and commerce with France, and for the encouragement of privateers.

The question was put, whether this bill shall pass, with the said amendments?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir John Francklyn:

To carry down the said bill, and desire their concurrence to the amendments.⁸⁰ (*Ibid.*, p. 285.)

Session of November 7, 1693–April 25, 1694 (5-6 Gul. et Mar.).

1693.

Nov. 18, HC. The Lord Falkland presented to the House

A list of the ships intended for the Chanel, and for the service of the Mediterranean, and the West-Indies:

Which were read¹

Ordered, that the consideration of the said estimate and list be referred to the committee of the whole House, to whom it is referred to consider of the supply to be granted to their Majesties, for the maintenance of the fleet for the year 1694. (*C. J.*, XI. 6-7.)

Nov. 23, HC. Then the order of the day was read, for the House to resolve itself into a committee of the whole House, to consider further of the supply to be granted to their Majesties, for the maintenance of the fleet for the service of the year 1694.

⁷⁹ *C. J.*, X. 848; royal assent, Mar. 14.

⁸⁰ *Ibid.* The Lords' amendments, which are printed *in extenso* in *C. J.* (X. 849), have no reference to that part of the act referring to America. At a conference on Mar. 14, the Lords finally agreed to the Commons' amendments of their amendments, and the bill received the royal assent the same day. (*Ibid.*, p. 850; *L. J.*, XV. 287, 288, 289.) Apr. 19, 1695, the Lords passed a bill declaring the commencement of this act to be from the time it passed the royal assent, but the session ended before there could be agreement with the Commons concerning the latter's amendments. *Ibid.*, pp. 538, 544, 558, 572, 581, 585; *C. J.*, XI. 311, 315, 316, 320, 330.

Parliament was prorogued from Mar. 14 to May 2, Sept. 19, Oct. 3 and 26, and finally to Nov. 7.

¹ This list contains the names together with the number of men and guns attached to each of over 70 vessels.

And the Lord Falkland acquainted the House, that, by his Majesty's command, he had two papers to lay before the House; *viz.*

A list of ships to answer those not named in the list of ships intended for the main fleet in the Chanel, and for service in the Mediterranean and West-Indies; and,

A list of their Majesties ships and vessels, besides those intended for the main fleet in the Chanel, and for service in the Mediterranean and West-Indies, which may be employed for convoys and cruisers in the year 1694.

Which his Lordship delivered in accordingly.

And the same were read² (*C. J.*, XI. 9.)

Dec. 5, 1693. The Earl of Ranelagh acquainted the House, that his Majesty had been pleased to command him to lay before this House the state of the war, in relation to the land-forces, for the service of the year one thousand six hundred ninety-four.

And the same was read; and is as followeth; *viz.*

Foot.	Troops and companies.	Commission'd officers, etc.	Noncommis- sion'd officers.	Private men.	Together	Pay per annum.			Servants allowed.
						<i>l.</i>	<i>s.</i>	<i>d.</i>	
New York Companies	2	6	16	120	142	2354	5	0	10
Company at the Leeward Islands	1	3	8	60	71	1177	2	6	5

(*Ibid.*, pp. 18, 20.)

Dec. 20, 1693. Sir Thomas Littleton, according to order of the day, reported from the committee of the whole House, to whom it was referred to consider of the supply to be granted to their Majesties, for maintenance of the land-forces, the resolutions of the said committee: which he read in his place; and afterwards delivered in at the clerk's table:

² The lists are printed in the *Journals*.

³ On Dec. 11 the Lords, with orders for the attendance of witnesses and the production of papers, began an enquiry into the miscarriages at sea of the previous summer, when English merchantmen were pillaged by privateers and the fleet under Sir George Rooke was surprised at Lagos Bay (*L. J.*, XV. 319; *MSS. H. of L.*, 1693-1695, pp. i-xiii). The investigation was inconclusively ended on Mar. 3, and on Apr. 25, all papers relating to the enquiry were ordered to be returned (*L. J.*, XV. 382, 425). The mass of papers laid before the Lords during this time (*MSS. H. of L.*, 1693-1695, pp. 93-298) contains the following American references: Order in Council, Nov. 6, 1693, fixing the dates for the sailing of vessels for Barbados, Virginia, New England, Jamaica, Leeward Islands, and Maryland (*ibid.*, p. 93; *Acts P. C. Col.*, II. 225); copies of the Admiralty orders to Rooke, Mar. 16-Apr. 28, 1693, relating to the Virginia fleet (*MSS. H. of L.*, pp. 111-112); list of ships disposed for the better securing the return of the West India fleet (*ibid.*, p. 135); Admiralty orders and replies concerning convoys of Virginia, West India, Newfoundland, and New England fleets (pp. 138-140, 231); orders for courts-martial of Capt. Lawrence Wright and Capt. George Purvis, for irregular conduct and embezzlement in the West Indies (p. 166); extract of a letter from Sir Cloudesley Shovell to Captain Hill, containing reference to the Virginia fleet (p. 237); the report of the Commissioners of Customs, after conference with merchants interested in the West India trade, upon which the order of Nov. 6 (*ante*, first cited in this note) was based (pp. 290-291); order of the queen, sent by Sir John Trenchard, May 19, 1693, that the admirals of the main fleet send notice to the West India convoy to be ready to proceed on the voyage with the ships bound for those parts (p. 291).

where the same were once read throughout; and are as followeth; viz. . . .

4. Resolved, that it is the opinion of this committee, that there be fifteen new regiments of foot, to be commanded by officers that are their Majesties natural-born subjects, raised, for the service of the year 1694; each consisting of the same number as Colonel Selwyn's regiment. . . .

The fourth resolution being read a second time;

An amendment was proposed to be made thereunto, by adding to the same, "whereof one regiment to be for the service of the Barbadoes".

And the question being put, that those words be added to the said resolution;

The House divided.

The yeas go forth.

Tellers for the yeas, Sir Robert Davers, Mr. Mansell: 90.

Tellers for the noes, Mr. Colt, Sir Robert Cotton: 150.

So it passed in the negative. . . . (*Ibid.*, p. 37.)

1693/4.

Jan. 8, HL. The Lord Chief Justice Holt, in the usual manner, brought in a writ of error; wherein Sir Richard Dutton is plaintiff, and Richard Howell and others defendants.⁴ (*L. J.*, XV. 337.)

Jan. 11, HC. Mr. Foley, from the commissioners for stating the publick accounts, acquainted the House, that they had taken several examinations, touching the embezzlement of goods out of a French prize, taken by their Majesties ship the *Monmouth*; the substance whereof he delivered in writing in at the table: where the same was read; and is as followeth; viz.

That, on the 19th of July 1693,⁵ their Majesties ship the *Monmouth*, Captain Peter Pickard commander, took a French ship of about 120 ton, to the westward of Cape Finister, which came from St. Domingo in Hispaniola in America, laden with sugar, tobacco, West-India hides, indico, and cotton, bound for Rochell: at which time, James Hockley, quartermaster of the *Monmouth*, one of the captain's own witnesses, says, the prize was in good condition, as he thought; she was pumped but once in the afternoon, and but twice the next day.

About two days after, Captain Pickard took out of his pocket the act of Parliament concerning prizes,⁶ and gave it to the master, Samuel Goodman, and said, the act was so strict, that no plunder or embezzlement

⁴ Sir John Witham, deputy governor of Jamaica, secured a verdict against Sir Richard Dutton, the governor, for false imprisonment and detention of goods, for which he claimed £13,000 damages. After Witham's death, the judgment was revived by his executors, one of whom was Howell. This writ of error was from the affirmance of the judgment after an appeal by the defendant. The cause was heard on Jan. 27. The question raised was whether an arbitrary commitment in the plantations could be punished by an action at home. The judgment was reversed. (*MSS. H. of L.*, 1693-1695, p. 311; *L. J.*, XV. 337.) The case is reported in full in Sir Bartholomew Shower, *Cases in Parliament resolved and adjudged upon Petitions and Writs of Error* (1740), pp. 24-35.

⁵ Admiral Rooke reports this as having occurred on the 20th (*MSS. H. of L.*, 1693-1695, p. 222).

⁶ 4 Gul. et Mar. c. 25; see *ante*, p. 72.

must be made of the goods; but the next day, Richard Hunckins, master's mate, coming down with a Frenchman, carpenter to the said prize, where James Hockly lay, whom they supposed to be asleep, the said Hunckins asked the French carpenter, if he could break open the scuttle; and in what sort of cask the indico lay? And, when the French carpenter gave him an account of what size the casks were, he said, they were too big to be conveyed into a chest: upon which the carpenter broke open the scuttle; and several barrels of indico were taken out, and put into chests, and brought on board the *Monmouth*, with some oranges, arms, and other things; after which the scuttle was nailed down.

While they continued at sea, before they came to Ireland, the prize being towed, it was alleged by the captain's witnesses, that she let in more water than before; upon which, and the hawsar's breaking in the night, a signal was given of distress; when the captain sent several aboard, carpenters and others, who testified, that she was an old ship, and worm-eaten, as ships coming that voyage used to be; and, that, in three hours, they finished what they thought requisite to secure her; and, that, till she came to Cork, one man might pump her, and keep her sucked: that they did not observe any notorious defect in her.

About the 30th of July, she was brought safe into Cork harbour, where her guns and pattereroes,⁷ and all her chambers, and one brass base, were taken out of her: that, the 4th of August, they weighed out of Cork; and, on the 5th, about 8 leagues from Kinsale, Lieutenant Carlton, who commanded the prize, called aboard the *Monmouth*, and told the captain, that the prize was not able to keep the sea, nor to swim: the captain there-upon ordered him to fire two guns, to signify to the flag, that the ship was in distress; which was done accordingly: whereupon, about three a clock, though Richard Shirly swears he then sucked her with his own hands, the hatches were broke open, and the goods carried on board the *Monmouth*, from that time till Sunday about eight at night; on which day, about eleven in the morning, Lieutenant Carlton ordered the main-mast and fore-mast of the prize to be cut by the board: that she was not pumped all that day, after four in the morning: that, before the cutting of the masts, several offered the lieutenant, if he would let but five men go with her, they would undertake to carry the prize into Kinsale harbour, the wind sitting fair for it at that time; and also when the signal of distress was given, when they were but seven leagues from Kinsale, and might have gone in that night.

That, on Saturday, the said Hunckins was seen to go with an augre towards the place, where, on Sunday, was found a hole bored; which, Peter Love the carpenter says, was done with his augre, there being no other in the ship; and that Peter Clements, finding that augre by the hole, brought it to the said Peter Love on Sunday morning: but the hole was bored so high, that no water came in thereby, unless when the ship rolled; and, at the time when she was left, there was not more than three foot and a half in water, when her hold was half full of tobacco, and sugar; and

⁷ Pedereros, or patereros; ordnance used for throwing stones, iron, etc., and for firing salutes.

the French master then offered, if he might have her, he would sail her to Rochell.

The goods, thus taken out on the 13th and 14th of August, were put on board; most of the tobacco on Rear-Admiral Vander Goes's ship, bound for Holland; most part of the indico, and some tobacco, on board a Genoese ship, likewise bound for Holland: the indico was in all about 59 casks, and several 100 rolls of tobacco, each roll weighing about 50 pounds; and a parcel of hides were afterwards sold at Torbay for about 15 *l.*; and some cables there to Captain Morley for 28 *l.*: at Plymouth, a whole suit of the prize's sails, which Shirly helped to make up, was sold by the captain: at Woolwich the guns were sold for 28 *l.* paid to the captain by the gunner. The *Monmouth* coming into St. Helens, the 19th of September, some small parcels of tobacco and cotton were delivered to the prize-officers; who, soon after coming on board, seized some indico, tobacco, cotton, and sugar, in the store-room in the *Monmouth*; which, being lock'd, they were forced to break open, by order of the admiral, liberty to search having been first refused.

The captain being told what informations were against him, answered, he owned the taking out of the goods; for which he pretended necessity, by reason of the distress of the ship: that he did put some of the goods on board the Genoese, and Rear-Admiral Vander Goes; but pretended, he had no knowledge what the quantities were; he trusted to Vander Goes; and the Genoese promised, before he went off, to give a bill of lading, but did not; nor would he own, to the time of his examination, that he knew of their arrival in Holland, tho' one of the witnesses, Edward Bussacott, swore, he saw the captain of the Genoese deliver a note to Lieutenant Carleton, which he did believe was a bill of lading, the goods being all weighed, and marked with the captain's mark P. P.^s with the number and weight on the cask.

The captain, being required to produce witnesses to prove, that the ship was in distress, had several witnesses examined.

Lieutenant Carleton did affirm, the water came in so fast, that he was in fear every minute of the ship's sinking: that there was 7 or 8 foot water in the prize: and, before the captain appeared, Richard Hunckins came to the board voluntarily, and said, the ship was in great distress, and had lost, besides the cut-water, the knee of her head, and the hoodings of the stem gave way: but, upon examination of all the witnesses, no such thing appeared as the knee of the head being lost, or that the hoodings of the stem gave way; and that the water at no time exceeded 3 foot and a half, and might have been sucked by two men at most; and, tho' the cut-water was gone, that did not bring the ship into distress: and several of his own witnesses said, she might have been safely carried to Kinsale, the wind sitting fair for that, though it did not for England.

The greatest part of his witnesses said nothing to the condition of the ship after she came out of Cork; but, that they had been on board her presently after her first taking, or before her being brought into Cork;

^s Peter Pickard.

and that she was an old ship, and worm-eaten; but could give no account of any particular defect in her.

The captain was asked, why, he being so near the prize, when the signal of distress, after her coming out of Cork was given, that they could talk to one another, he did not satisfy himself, or send any one to satisfy him, that the ship was really in distress? He only said, that all the men said she was in danger; but proved it only by Lieutenant Carleton, though Peter Clements midshipman, Anthony Facy mariner, Oliver Birkby surgeon, Richard Shirly mariner, Peter Love carpenter, James Hockly mariner, and Sam. Goodman master, declared, on their oaths, the state of the ship at that time manifested she was in no distress: but the captain, being with his ship the *Monmouth* to attend Sir George Rook, who was ordered to his station about Ushant, found it inconvenient to carry this prize about with him; and therefore it appeared they did resolve to take all they could out of her, and then desert her.

Sir George Rook appeared on the behalf of the captain; but was not sworn; for he said he could say nothing to the matter: but, being asked, whether he had satisfied himself, whether the ship was in distress? said, the captain told him, the prize could not swim; and thereupon he ordered him to leave her: and, being asked, if he was not obliged, commanding in chief, to take care of the prize? he returned this answer, he got nothing by it; and therefore did not concern himself about it. Sir George being further told, that, in the instructions from the Admiralty, of the 18th of March last, to Hen. Killigrew esquire, Sir Ralph Delavall, and Sir Cloudsly Shovell, they were to give it in strict charge to all the commanders and officers of their Majesties ships, that, upon seizing of any prizes, they should take care to have the late act of Parliament concerning prizes duly observed; Sir Geo. made answer, he had received no such order.

Upon the whole matter, it appears to the commissioners of accounts, that the said prize-ship, so taken, was designedly plundered, and deserted, by the said Captain Peter Pickard, and his order.

BENJ. NEWLAND,
THO. CLARGES,
PAUL FOLEY,

MATTH. ANDREWES,
SAM. BARNARDISTON,
RO. HARLEY.

Ordered, that the commissioners for stating the publick accounts do deliver to Mr. Attorney-General^o the examinations, taken before them, touching the embezilling of goods out of a French prize, taken by their Majesties ship the *Monmouth*, of which Captain Peter Pickard was captain, and Carleton lieutenant: and that Mr. Attorney-General do take care, that there be an effectual prosecution against the said Captain Peter Pickard, and Lieutenant Carleton, for the same. (*C. J.*, XI. 53-55.)

Jan. 24, 1701. A petition of the Royal African Company of England was presented to the House, and read; setting forth, that the trade to Guinea, on the African coast, cannot be maintained without forts and castles: and therefore other countries, that trade thither, have, by their

^o Edward Ward, succeeding Sir John Somers, who had been made lord keeper of the great seal.

laws, established the management of that trade to particular societies, finding it unpracticable to preserve it safe in the way of a joint stock, and subjecting all other their subjects, who shall disturb them, to severe penalties: that that trade is of more importance to England, than any other state, by the exportation of the woollen and other manufactures; the returns whereof are in gold, elephants teeth, dying wood, and supplying their Majesties plantations with negroes: that the petitioners have, for some years past, been at about 20,000 *l.* per ann. charge, in maintaining several forts and castles; and have lately taken from the French the castles of Senegall, and Goree, their only places of trade in the north of Africa; and have sustained great losses at sea since the war: that, unless the petitioners are encouraged, they will shortly be disabled to maintain their forts and castles; so that the trade to Africa will be in danger of being totally lost to this kingdom: and praying, that leave may be given to bring in a bill for the preserving and establishing the African trade, according to the charters granted to the said company; or with such alterations, as may be thought necessary: and submitting the whole matter to the wisdom of the House.¹⁰

Resolved, that the examination and consideration of the said petition be referred to a committee: and that they do report their opinion therein to the House.

And it is referred to Mr. Harley, Mr. Mountague, Mr. Clark, Mr. Ryder, Sir John Knight, Mr. Shackerley, Mr. Hutchinson, Mr. Boyle, Mr. Foley, Mr. Hawtry, Sir Tho. Dyke, Mr. Brewer, Sir Tho. Clarges, Mr. Chetwynd, Mr. Blofield, Sir Eliab Harvey, Sir Walter Young, Mr. England, Mr. Gray, Mr. Bromley, Mr. Burdet, Sir Fr. Massam, Mr. Wilmot, Mr. Onslow,¹¹ Mr. Sanford, Mr. Goldwell, Mr. Cook, Mr. Fenwick, Mr. Hungerford, Sir Fran. Guibon, Mr. Perrey, Sir Robert Davers, Sir John Fleet, Mr. Lewes, Mr. Morris, Mr. Fuller, Sir Sam. Dashwood, Mr. Arnold, Sir Tho. Vernon, Sir John Key, Sir Wm. Pritchard, Mr. Palmer, Sir Geo. Willoughby, Mr. Henley, Sir Steph. Evans, Mr. Holt, Mr. Etterick, Mr. Bear, Mr. Waller, Mr. S. Smith, Mr. Gwyn, Sir Ma. Andrews, Sir Rob. Eden, Sir Roger Puleston, Mr. Hopkins, Mr. Hedger, Sir Richard Onslow, Sir Isaac Rebow, Mr. Travers, Sir John Moreton; and all the members of the House that serve for the sea-ports: and they are to meet this afternoon at four of the clock, in the Speaker's Chamber: and have power to send for persons, papers, and records. (*Ibid.*, p. 68.)

¹⁰ The Royal African Company, successor to the Company of Royal Adventurers Trading into Africa, by its charter of 1672 was granted the rights of exclusive trade, from Sallee to the Cape of Good Hope and the adjacent islands. There was now much opposition to this monopoly. On Feb. 15 the woollen manufacturers, complaining that the restriction of the Guinea trade had greatly lessened the sale of their commodities, asked that this trade be opened to all merchants (*C. J.*, XI. 96); while on Feb. 19 the clothiers of Witney, declaring that their trade was being interfered with because of interlopers, petitioned for the protection of the company's monopoly (*ibid.*, p. 100). Both petitions were referred to this same committee which, on Mar. 2, recommended that leave be given to bring in a bill permitting the African trade to be conducted on a joint-stock basis. The opposition continued, but it was not until 1698, by 9-10 Gul. III. c. 26, that the monopoly of the company was modified. *Post*, pp. 101, 145, 179; Scott, *Joint-Stock Companies*, II. 20-23.

¹¹ In addition to Sir Richard Onslow, named below, Denzil Onslow represented Haslemere, and Foot Onslow sat for Guildford.

*Mar. 2,*¹² *HC.* Mr. Harley reported from the committee, to whom the examination and consideration of the petition of the Royal African Company of England was referred, that they had examined and considered the same; and also the several other petitions referred to the said committee: and that they had directed him to report the matter specially to the House; as also the several resolutions of the said committee: the which he read in his place; and afterwards delivered in at the table: where the same was read; and is as followeth; *viz.*

George Boone esquire, sub-governor of the African Company, on behalf of the said company, attended the committee; and informed them, that the company did not desire to have all that tract of land within their charter, but were willing to leave out the greatest part of that to any others to trade in; and should be very well satisfied, if they might be enabled, by act of Parliament, to trade from Cape Lopez to Cape Blanco, exclusive to all others; that is, from 21 degrees of northern latitude, to 2 of south latitude; whereby all Angola, and many other countries, are left out, where negroes may plentifully be had for the service of the plantations.

He did also assert, that the trade of Africa, which is of so great concern to England by vending of our woollen manufactures, cannot be carried on without forts and castles; and that the forts and castles cannot be maintained but by a company, in a joint stock, exclusive to all others.

And to prove this, several witnesses were produced on behalf of the company.

Henry Greenhill esquire, one of the commissioners of their Majesties navy: who told the committee, he had known the trade to Africa many years; has no stock in the company; lived on the place, as agent-general for the company, from 1680 to 1684.

And did further say, that, from the experience he had, he was of opinion, the trade cannot be maintained without forts and castles; because without them there can be no security from the rapine or plunder of the natives; and the French, Dutch, Danes, Brandenburgers, and formerly the Portuguese, carry on their trade with forts and castles; and without them, our trade would be carried away by Europeans, as well as exposed to the treachery of the natives.

That the charge, when he was there, of maintaining the forts there only on the Gold-Coast, was about 10,000 *l.* per ann. or 300 marks in gold: that Cape Coast Castle had 48, or 50, guns mounted; 140, or 150, men in garrison, besides about 300 Ardee slaves.

¹² On Feb. 22 the committee of the whole House, which had been considering further ways and means to be granted for the military and naval service of 1694, reported a number of resolutions favoring additional duties on leather and skins. Among others, a duty of 6 *d.* per dozen was proposed upon doe and beaver skins, "dressed into white-alum leather"; 12 *d.* per skin upon buck skins dressed in oil, alum, or otherwise; 8 *d.* per skin upon doe skins similarly dressed; an addition of 2 *d.* per lb. upon elk or buffalo hides, imported raw and dressed; 8 *d.* per dozen upon broken doe and beaver skins imported and dressed; 12 *d.* per skin upon imported buck and doe skins, dressed; 2 *d.* per lb. upon imported elk or buffalo hides, "dressed up to buff"; and 3 *d.* per skin upon all seal skins imported. (*C. J.*, XI. 104-105.) The following day a bill upon these resolutions was ordered (*ibid.*, p. 107), but it was not presented.

That Cape Coast will defend ships that lie under the castle, as they did in the Dutch war; but the natives may come and trade with ships out of the reach of the guns of the forts: and that if it were not for the forts in Guinea we should have no trade; for there would be no security without them to any factories.

That the Dutch did stir up the natives against the English in his time, and the blacks did confess it. That the Dutch made the Portuguese pay 25 *l.* per cent. for liberty to trade, because they have no forts. That the Dutch will seize the natives, and interrupt them from trading with other nations: they also took a toll of all fish taken near their forts.

He saith, there may be a trade to the Bite¹³ for negroes without forts; and that there is none at Ardah, only a factory: that, though persons may trade out of the reach of the guns of the forts, the fort encourages the natives to come down with their merchandize.

Mr. Henry Nurse said, he lived three years on the coast, as agent-general, from 1684. to 1688. He informed the committee, that forts and castles were necessary to carry on the trade.

That the natives burnt and plundered Cape Coast to a great value, about 1669. in time of a free trade.

That the other nations of Europe, that trade there, have forts; and the Portuguese, having lost their forts, are often seized by the Dutch, and forced to pay 25 *l.* per cent. for liberty to trade.

He owned, he had a stock in the company.

Captain Nich. Peperhill lived there three years at a time, besides trading voyages: he testifies to the same purpose as *Mr. Hen. Nurse*; and adds, that the Dutch about four years since raised a disturbance against the English there.

Mr. Alexander Cleve said, he lived at the river Gambo, at James-Island: that the French about 1686. took a ship in peace, sent her to Martinego,¹⁴ and condemned her, under colour that our trade there was under the pretence of the Dutch; and that we had not a right to trade there.

Mr. Boon, to prove further the forts necessary, produced a grant from the Danes of a castle, for which the company paid 4121 *l.*

Then they proceeded to prove, that a joint stock is necessary to carry on the said trade, and to maintain the forts.

Mr. Warwick Yard, accomptant to the company, has computed the charge of seven forts in their possession, which amounts to 18,814 *l.* per annum, besides the factories; which is paid most in England, and, when paid on the coast, in gold.

He did also prove the losses of the company to be 79,830 *l.* since the war with France; and that they had taken two forts, *viz.* Senigall, and Goree, from the French.

The committee thought fit to summon the merchants that are not of the company, but trade to Africa; and also those concerned in our West-India plantations.

Edward Littleton esquire, Mr. Gardner, and Mr. Hethcot, appeared, and produced witnesses.

¹³ The Bight of Benin, off the Slave Coast.

¹⁴ Martinique.

Mr. Gardner said, that there is no such thing as the African Company; but that the same is dissolved for not paying the tax, according to the late act of Parliament.¹⁵

The company offered to answer that: but the committee being of opinion, that they were to consider of the trade; and the other was not a matter before them; they proceed to their proofs, and produced,

Captain Humphry South, that there was a great trade to Guinea, thirty-two years ago, when he was there; but is satisfied the same is much increased, since there has been a company.

That the trade was then carried on by five or six small vessels, inconsiderable to what are now sent out.

That men of war are proper to maintain and secure the trade at sea; but that forts and castles are as necessary on land; without which, the natives would annoy the traders, and soon destroy all commerce, and the markets kept where the forts are: that, when he was there, and used to go for bartering of goods at any place where there was no factory, the negroes used to come off to the ships in their canoes, with their commodities to trade.

That he has heard the Dutch say, that if the English had continued to carry on an open trade, they had broke their Guinea Company.

That if there were an open trade, he believes it might be to the general advantage of England: but knows not, whether it might be as advantageous to the particular traders thither; because a great exportation of our commodities thither would lessen the value of them there, and raise the price of the African goods.

That he has often returned with part of his cargo, when he traded thither; and that the not having of forts and castles would much lessen the trade.

That any person may trade within a mile of Cape Coast Castle; and the negroes will come off from thence by stealth.

That the negroes were then sold to the plantations, for 2000 pound of sugar per head; which was worth about 25 s. per cent. here: that he then used to buy the negroes at 3 l. per head, first cost: that, if the trade was open, there would be no place unattempted upon the coast, for a discovery of a market; and, the coast being of a large extent, it might admit of an increase in trade.

Mr. Dockwra, that he was a searcher in the custom-house, from 1664. to 1674.; where he made his observation, that when the trade was open, there was a greater exportation of the woollen manufactures.

That, in the four years, when the trade was open, before the restraining it to a company, there were 103 ships went out, that paid licences to the old company, besides 32, that stole out of England without licences; and that, in the four years succeeding them, when the trade was so restrained, the company did not send out 45 ships: but that the company, in those four years, made use of 16,000 ton of shipping, and the merchants not above 9,000 in the four years before: but the merchants cargoes exceeded the company's.

¹⁵ 4 Gul. et Mar. c. 15; ante, p. 78.

That he himself, in 1676. traded to those parts, and knows there were treble the quantities of the manufactures of England exported then, to what was since.

Mr. Richard Holder, that he hath been acquainted with the Guinea trade for twelve years: that if this trade were open, it would produce three times the trade it now does.

That he has been concerned . . . ¹⁶ 40,000 *l.* in this trade, and has made 50 *l.* per cent. and returned in seven months: that he gave 26 *l.* per cent. licence, and made a good voyage; and the second year gave 40 *l.* per cent. and was obliged to take the goods from the company; and believes he paid 3 or 4 per cent. more than elsewhere he might have bought them: that he was limited to certain places, and could not go where he thought fit.

That forts and castles are of use to protect the goods from the negroes: if the English had but men of war, the forts would not signify any thing; the forts being only a protection to the warehouses, where the company's goods lie.

Captain Robert Portin, has known the trade ever since 1660: that he was at the taking of Cape Coast Castle from the Dutch, by the *Jersey*, there being about 22 guns mounted.

That there is 900 miles trading in the African coasts, without forts and castles.

That the company did not hinder two Portuguese ships from trading, when he durst not trade himself: they would not let him have covert under their cannon; but admitted a pirate to make his attempt upon him.

That the negroes chuse rather to trade with an interloper, than the company's ships, because the interlopers sell cheaper.

That he can trade safe on shore at Comenda, where the natives turned the company's servants from their houses in 1678; the which the company would have gotten again, but could not, the Dutch having gotten thither.

That there is much more room to be discovered upon the shore, limited in the company's charters, for a trade that now is not used.

That the plantations would be much plentifuller served with negroes, by an open trade; and that he traded thither with much credit, giving trust for above 13,000 hogsheads of sugar at Antegoa.¹⁷

That forts and castles might be maintained and supported without a company; a contribution being raised by all trading to Africa.

Captain Jedediah Barker, that he used the trade in 1677: that the chief places are Ardah, Tredah, Old Calabar, and New Calabar, for negroes; where there are no forts or castles.

That the Spaniards like the Angola negroes, rather than the others.

That the plantations desire negroes of several nations, because they are thereby not so subject to rebellion.

That, if there were no forts or castles, the negroes might come off to trade; and that it would be less charge to manage and secure the trade by men of war, than by forts; and that the ships might lie there all the year round.

¹⁶ The omission is in the *Journals*.

¹⁷ Antigua.

That there are interlopers of all nations; and no men of war but ours, that guard those seas.

Mr. Robert Walker, that the planters do not admire the Angola negroes; and that they desire negroes from many parts, for fear of rebellion: that the planters have bought of the Dutch, negroes, 700 in a ship, for want of supplies from the company.

Mr. Thomas, that an imposition upon the trade of Guinea would be sufficient to maintain their forts; and that the old company formerly raised more at 3 *l.* per ton, than would do; so that a duty would be the best way for trade: that less than 10 *l.* and about 5 *l.* per cent. upon an open trade, would maintain the forts, and all matters necessary to secure the trade: that he hath given 35, and 40, per cent. for licence, to the company to trade thither; taking the goods at their rates; and the company put the drawback also into their pockets.

That an open trade would supply the islands with negroes, much more to their satisfaction, than now they are supplied.

Mr. Melisha Holder, that the company have not always supplied the plantations with negroes; he being used to buy of the interlopers for twenty-five years last past.

That the company have 10 *l.* per cent. interest, for credit they give, as he hath heard; and also the interlopers do take the like of those they give credit to.

That sometimes the planters will give more for negroes to an interloper, than the company, purposely to encourage the interlopers to trade with them.

Mr. Boone, the sub-governor, in reply, on behalf of the company, did produce to the committee, under the hand of the searcher of the custom-house, an account of says, and perpetuanas, shipped off for Guinea, in the port of London, from 1665. to 1670: and also,

An abstract of the woollen manufacture yearly exported by the company, from the year 1673. to 1693.

And acquainted the committee, that the company were content to part with above two thirds of what is in their charter, for further discovery to the industrious.

And that as to furnishing the plantations with negroes, they will submit to any rules or directions, . . .¹⁸ shall be thought fit and equitable.

The committee did also take into their consideration two other petitions referred unto them by the House: the one, from the mayor, aldermen, and common-councilmen of the city of Exeter; praying, that the trade to Africa may not be restrained: and the other, from the clothiers of Witney; praying, that the traffick of the African Company may be protected.

And that, upon the whole matter, the committee came to the several resolutions following.

Resolved, that it is the opinion of this committee, that forts and castles are necessary for carrying on the trade to Africa.

Resolved, that it is the opinion of this committee, that the trade to Africa will be best carried on, for the advantage of England, in a joint stock.

¹⁸ The omission is indicated in the *Journals*.

Resolved, that it is the opinion of this committee, that the House be moved, that leave be given to bring in a bill, pursuant to the said resolutions.

Ordered, that the consideration of the said report be adjourned until Saturday sevensnight.¹⁹ (*C. J.*, XI. 113-115.)

Mar. 16, HC. The House proceeded to take into consideration the report from the committee, to whom the petition of the Royal African Company of England was referred:

And the first resolution of the said committee was read.²⁰

Resolved, that the further consideration of the said report be adjourned until Tuesday morning next. (*Ibid.*, p. 129.)

Mar. 20, HC. Ordered, that the report from the committee, to whom the petition of the Royal African Company of England was referred, be taken into consideration upon Saturday morning next.²¹ (*Ibid.*, p. 133.)

1694.

Mar. 26, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supplies to be granted to their Majesties, for the maintenance of the fleet, and land-forces, for the service of the year 1694, the resolutions of the said committee; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and are as follow; viz.

1. Resolved, that it is the opinion of this committee, that, towards the supplies to be granted to their Majesties, for maintenance of the fleet, and land-forces, for the service of the year 1694. a duty be laid upon the tonnage of all ships and vessels. . . .

5. Resolved, that it is the opinion of this committee, that 10 s. per ton be laid upon all ships importing goods and merchandizes from the plantations in the West-Indies. . . .

10. Resolved, that it is the opinion of this committee, that 20 s. per ton be laid upon all ships importing goods and merchandizes from the coast of Guinea and Africa.

11. Resolved, that it is the opinion of this committee, that 20 s. per ton be laid upon all ships importing goods and merchandizes from Hudson's-Bay. . . .

13. Resolved, that it is the opinion of this committee, that 10 s. per ton be laid upon all ships importing goods and merchandizes from Muscovy and Russia. . . .

Then the three first resolutions of the committee of the whole House were severally read a second time; and, upon the question severally put thereupon, agreed unto by the House. . . .

The fifth and sixth resolution being severally read a second time; the same were, upon the question severally put thereupon, agreed unto by the House. . . .

The tenth resolution being read a second time;

¹⁹ Postponed from the 10th to the 14th, then to the 16th. *Ibid.*, pp. 124, 126.

²⁰ See preceding item.

²¹ No further action was taken during this session.

An amendment was proposed to be made, by adding "without the Straights":

And the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the House doth agree with the committee in the said resolution, so amended, that 20 s. per ton be laid upon all ships importing goods and merchandizes from the coast of Guinea and Africa, without the Straights.

The eleventh and twelfth resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The thirteenth resolution being read a second time;

An amendment was proposed to be made, by adding "Greenland":

And the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the House doth agree with the committee in the said resolution, so amended, that 10 s. per ton be laid upon all ships importing goods and merchandizes from Greenland, Muscovy, and Russia. . . .

Ordered, that a bill be brought in upon the said resolutions: and that Mr. Solicitor-General²² do prepare, and bring in, the same. (*C. J.*, XI. 139-140.)

Mar. 28, HC. Mr. Solicitor General, according to order, presented to the House a bill for granting to their Majesties several duties upon the tonage of ships: and the same was received.

Ordered, that the bill be read to-morrow morning.²³ (*Ibid.*, p. 143.)

Mar. 29, HC. A bill for granting to their Majesties several impositions upon the tonage of shipping was, according to order, read the first time.

Resolved, that the bill be read a second time to-morrow morning. (*Ibid.*, p. 144.)

Mar. 30, HC. A bill for granting to their Majesties several duties upon the tonage of ships was, according to order, read the second time.

Resolved, that the bill be committed to a committee of the whole House.

A bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors, was, according to order, read the second time.²⁴

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that the said bills be committed to the same committee of the whole House.

Resolved, that it be an instruction to the said committee, that they do leave out the duties upon wines, and insert the duties upon the tonage of ships in lieu and instead thereof: and that they do alter and make both the said bills into one bill. . . .

²² Thomas Trevor, afterwards Lord Trevor, who became attorney general in 1695.

²³ 5-6 Gul. et Mar. c. 20 (*Statutes*, VI. 483), which imposed the several rates and duties upon shipping embodied in the resolutions of Mar. 26 (*ante*). Two-thirds of the tax was to be paid by the merchant importer, one-third by the owner of the vessel. Ships from Greenland and Newfoundland were chargeable only for goods really imported, and not according to the measure of shipping. These duties, although granted by this act for four years, were repealed by 7-8 Gul. III. c. 31. *Id.*, VII. 134; *C. J.*, XI. 495.

²⁴ This bill was presented on Mar. 28, and had its first reading the next day. *C. J.*, XI. 143, 144.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider of the said bills. (*Ibid.*, p. 145.)

Apr. 3, HC. Resolved, that this House do immediately resolve itself into a committee of the whole House, to consider of the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also of the bill for granting to their Majesties several duties upon the tonage of ships. . . .

Sir Thomas Littleton reported from the said committee, that they had made some progress in the matters to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Thursday morning next, resolve itself into a committee of the whole House, to consider further of the said bills.²⁵ (*Ibid.*, p. 149.)

Apr. 9, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also the bill for granting to their Majesties several duties upon the tonage of ships. . . .

Sir Thomas Littleton reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider further of the said bills. (*Ibid.*, p. 154.)

Apr. 10, HC. The Lord Falkland, according to order,²⁶ presented to the House a list of ships ordered as convoys and cruisers, for the security of the coasting-trade: and the same was read; and is as followeth; *viz.* . . .

Ships ordered for Cruisers since the 25th of January last.

Rate.	Ships names.	Date of orders.	Where ordered.
3	<i>Monck</i>	February 3d	To cruise in the Soundings, 50 leagues, W. S. W. from the Lizard, for security of the ships expected from Virginea and Barbadoes. . . .
4	<i>Newcastle</i>		
	<i>Greenwich</i>		
3	<i>Berwick</i>		
	<i>Adventure</i>	7 ditto. [March]	To cruise 20 or 30 leagues, W. or W. S. W. from Cape Cleare, for security of the merchant-ships expected from Virginea, and other trades. . . .
3	<i>Mary</i>		
4	<i>Weymouth</i>		
	<i>Ruby</i>		
3	<i>Dunkirke</i>	10 ditto.	To cruise 20 or 30 leagues west, or W. S. W. from Cape Cleare, under the command of Captain Bridges, for security of the merchant-ships coming from Virginea, and the other trades. . . .
	<i>Mary</i>		
4	<i>Weymouth</i>		
	<i>Ruby</i>		
	<i>Dragon</i>		
	<i>Play Prize</i>		
	<i>Adventure</i>		
	<i>Sheernesse</i>		

(*Ibid.*, pp. 155-156.)

²⁵ Further consideration was postponed unto Apr. 9. *Ibid.*, p. 153.

²⁶ Action taken on a petition of the previous day, in which it was complained by merchants and traders that many ships had been taken by the French and the trade of the nation obstructed through failure of the Admiralty to appoint proper cruisers and convoys, in accordance with the act for better securing the trade of the kingdom. *Ibid.*, p. 154.

Apr. 10, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also the bill for granting to their Majesties several duties upon the tonage of ships. . . .

Sir Thomas Littleton reported from the said committee, that they had made a further progress in the matters to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, to-morrow morning, after the consideration of the bill for taking and stating the publick accounts is over, resolve itself into a committee of the whole House, to consider further of the said bills. (*C. J.*, XI. 157.)

Apr. 11, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and of the bill for granting to their Majesties several duties upon the tonage of ships. . . .

Sir Tho. Littleton reported from the said committee, that they had gone through the bills, and made several amendments; which they had directed him to report, when the House would please to receive the same.

Ordered, that the said report be made to-morrow morning. (*Ibid.*, p. 158.)

Apr. 12, HC. Sir Thomas Littleton, according to order, reported from the committee of the whole House, to whom the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also the bill for granting to their Majesties several duties upon the tonage of ships; was committed, that they had, according to the instructions of the House, left out the duties upon wines, and inserted the duties upon the tonage of ships in lieu and stead thereof; and had altered and made both the said bills into one bill; and had made several other amendments; which they had directed him to report to the House; and which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were read.

Ordered, that the further consideration of the said report be adjourned until to-morrow morning, ten a clock. (*Ibid.*)

Apr. 13, HC. The House proceeded, according to the order of the day, to take into consideration the report, yesterday, from the committee of the whole House, to whom the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also the bill for granting to their Majesties several duties upon the tonage of ships;⁷

And several of the amendments, made by the committee to the said bill, were severally read a second time; and, upon the question severally put thereupon, agreed, and others disagreed, unto by the House: and several amendments were made by the House to the said amendments.

Ordered, that the further consideration of the said report be adjourned till to-morrow morning, ten a clock. (*Ibid.*, p. 159.)

²⁷ This omission and the next are indicated in the *Journals*.

Apr. 14, HC. The House, according to the order of the day, took into further consideration the report from the committee of the whole House, to whom the bill for granting to their Majesties certain duties upon wines, and upon beer, ale, and other liquors; and also the bill for granting to their Majesties several duties upon the tonage of ships; :

And the rest of the amendments, made by the committee to the said bills, were severally read a second time; and some agreed, and others disagreed, unto by the House, upon the question severally put thereupon. . . .

Ordered, that the consideration of the said bill be adjourned till Monday morning next, eleven a clock. (*Ibid.*, pp. 160-161.)

Apr. 16, HC. The House, according to the order of the day, proceeded to take into further consideration the bill for granting to their Majesties several duties upon the tonage of ships and vessels, and upon beer, ale, and other liquors:

Another clause was offered to be added to the bill, that the Commissioners of the Admiralty shall appoint certain ships, as cruisers, for the security of the merchant-ships; with blanks for the numbers:

And the same was twice read; and the blanks therein filled up.²⁸

And then the clause was agreed unto by the House to be made part of the bill. . . .

Another clause was offered to be added to the bill, directing a method for the measuring of the tonage of ships, according to the rule printed with the book of rates, in 1671:

And the same was twice read; and, upon the question put thereupon, agreed unto by the House to be made part of the bill.²⁹

Another clause was offered to be added to the bill, that the merchandize imported from Newfoundland shall be charged by the ton, and not by the measure of the shipping:

And the same was twice read; and, upon the question put thereupon, agreed unto by the House to be made part of the bill.

And several amendments were, upon the question severally put thereupon, made by the House to the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 162.)

Apr. 18, HC. An ingrossed bill for granting to their Majesties several rates and duties upon the tonage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in

²⁸ Four ships of the third rate, 16 of the fourth, 13 of the fifth, and 10 of the sixth rate. Section 45 of the act (*Statutes*, VI. 494).

²⁹ " . . . Every single deck'd Shipp or Vessell shall be measured by the length of the Keele taken within board (soe much as she treads upon the Ground) and the breadth to be taken within board by the Midshipp Beame from Planke to Planke and the depth of the Hold from the Planke belowe the Kelsey to the under parte of the Decke Planke; And for a Two Deckt Shipp (which carryes Goods betweene Decks) the depth of her Hold to be taken from the Plank belowe the Kelsey to the under parte of the Upper Deck Plank and the length and breadth as before then multiply the length by the breadth and the Product thereof by the depth and divide the wholl by Ninety four and the Quotient will give the true contents of the Tunnage. . . ." (*Ibid.*, p. 485.) Because of inconveniences arising from this method, 6-7 Gul. et Mar. c. 12 simplified the procedure by accounting half the breadth, as above determined, for the depth (*ibid.*, p. 593). In the report of the committee recommending this change, it was stated that the *Bird* brought from Virginia 158 tons, fully laden, but paid customs on 181 tons. *C. J.*, XI. 251.

the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France, was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.⁸⁰ (*C. J.*, XI. 165-166.)

Apr. 19, HL. Hodie 1a vice lecta est billa, intituled, An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France.

Ordered, that the said bill shall be read the second time on Monday next, at nine of the clock in the forenoon. (*L. J.*, XV. 421.)

Apr. 23, HL. Hodie 2a vice lecta est billa, intituled, An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France.

Ordered, that the said bill shall be committed to a committee of the whole House, presently

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

And, after a long time spent therein, the House was resumed.

And the Lord Godolphin reported, that the committee had agreed to the said bill, without any amendment.

Ordered, that the said bill be read the third time to-morrow morning. (*Ibid.*, p. 423.)

Apr. 24, HL. Hodie 3a vice lecta est billa, intituled, An act for granting to their Majesties certain rates and duties upon tonnage of ships or vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France. . . .⁸¹

A message was sent to the House of Commons, by Mr. Holford and Mr. Pitts:

To let the Commons know, the Lords have agreed to the said bill, without any amendment.⁸² (*Ibid.*, p. 424.)

⁸⁰ *L. J.*, XV. 421.

⁸¹ There was dissent against that part of the bill relating to the incorporating of the Governor and Company of the Bank of England.

⁸² *C. J.*, XI. 170. The royal assent was given the next day, when the session ended. *L. J.*, XV. 425.

Session of November 12, 1694–May 3, 1695 (6–7 Gul. et Mar.).

1694.

Nov. 26, HC. The Earl of Ranelagh acquainted the House, that his Majesty, in pursuance of their address, had been pleased to command him to lay before this House an estimate for the next year's service, for the war, in relation to the land-forces: and he delivered the same in at the clerk's table: where the same was read; and is as followeth; viz. . . .

Foot.	Troops and companies.	Commissioned officers, etc.	Non-commissioned officers.	Private men.	Together.	Pay per annum.		Servants allowed.
						<i>l.</i>	<i>s. d.</i>	
Colonel Russell's ¹	5	18	40	500	55	8,988	2 6	29
New York Companies	4	13	32	400	445	6,801	3 4	20
Company at Jamaica	1	3	9	100	112	1,727	13 4	5
Company at the Leeward Islands	1	3	8	60	71	1,177	2 6	5

. . . . (C. J., XI. 177-178.)

Nov. 30, HC. A petition of the Royal African Company of England was presented to the House, and read; setting forth, that the trade to Guinea cannot be maintained without forts and castles for the protection of the Europeans, and their goods, from the treachery of the natives; and other nations that traffick into Africa, have found it impracticable to improve that trade, save by incorporated companies, who are only able to bear the charge that forts and castles require: that the trade to Africa is of more importance to England than to any other state, it being chiefly carried on by the exportation of woollen, and other English manufactures, the returns whereof are in gold, etc. and negroes to supply their Majesties plantations; and ought the rather to be encouraged, for that many potent rivals lie in wait to engross that trade to themselves: that the petitioners have, for many years past, been at about 20,000 *l.* per annum charge, in maintaining several forts and castles; and, since the war, have been at many losses by sea; and, unless they be supported and encouraged, in a short time the trade to Africa will be in danger of being utterly lost to this kingdom: and praying leave to bring in a bill for the preserving and establishing the trade to Africa, according to the charter granted to the company, or with such alterations as shall be thought necessary.

Ordered, that the examination and consideration of the said petition be referred to a committee: and that they do report their opinion therein to the House:

And it is referred to Sir Sam. Barnardiston, Mr. Blofield, Mr. Foley, Mr. Piggott, Mr. Boscawen, Mr. Thornhaugh, Mr. Hutchinson, Mr. Hobby, Mr. Slater, Mr. Pitt, Mr. Pollexfen, Sir Robert Davers, Mr. Luterell, Mr. Mountague, Mr. Biddulph, Mr. Long, Mr. Chetwyn, Sir Robert

¹ This regiment, to be raised under Col. Francis Russell, was for service in Barbados. *Cal. St. P. Col.*, 1693-1696, p. 404.

Clayton, Mr. Colt, Sir Richard Onslow, Mr. Palmes, Sir Walter Young, Sir Richard Hart, Mr. Nicholas, Mr. Machel, Sir Jos. Tredenham, Mr. Burdet, Sir John Guise, Sir Richard Temple, Mr. Foster, Sir Stev. Evans, Mr. Jo. Smith, Mr. Harley, Mr. Backwell, Mr. Rudge, Mr. Fuller, Sir Tho. Barnardiston, Mr. How, Mr. Clarke, Sir Chr. Musgrave, Mr. Jervois, Mr. Burrridge, Mr. Speke, Mr. Chase, Mr. Wharton, Sir Tho. Mompeyson, Sir Geo. Willoughby, Mr. Morrice, Mr. Waller, Sir Wm. Ellis, Mr. Bickerstaffe, Mr. Christy, Mr. Vincent, Sir Eliab Harvy, Colonel Austin, Mr. Culliford, Sir Hen. Goodrick, Sir Geo. Fletcher, Mr. Shacklerly, Mr. Balch, Mr. Gray, Sir Cha. Raleigh, Mr. Arnold, Sir Tho. Dyke, Mr. Mansell, Mr. Hawtry, Mr. England, Mr. Onslow, Sir John Moreton, Sir Fra. Massam, Colonel Titus, Mr. S. Smith, Mr. Tilney, Sir Jerv. Elwes, Mr. Perry, Mr. Willmot, Sir Wm. Scawen, Mr. Stonehouse, Sir Tho. Littleton, Mr. Bowyer, Mr. Morland, Sir Robert Edon, Mr. Lampton, Mr. Hungerford: and all that come are to have voices: and they are to meet to-morrow at four of the clock in the afternoon, in the Speaker's Chamber.² (*C. J.*, XI. 180.)

Dec. 10, HC. A petition of the planters and merchants interested in, and trading to, the island of Barbadoes, on behalf of themselves, and the inhabitants of that island, was presented to the House, and read; setting forth, that the petitioners are informed, a petition of some persons, who stile themselves the Royal African Company of England, is now depending in this House, whereby they pray leave to bring in a bill for establishing their trade to Africa, pursuant to their charter; which trade, they insist, cannot be maintained without forts and castles, by a joint-stock: that the petitioners hope to satisfy the House, that the said pretended charter is only an illegal patent, which would exclude all other his Majesty's subjects from trading to Africa; and that that trade would be best managed and secured to this nation by a regulated company, according to the methods of the Turkey Company:³ and praying, that the said patent may not be established; and that the said trade may be carried on by a regulated company, as the House shall think fit.⁴

Ordered, that the examination and consideration of the said petition be referred to the committee, to whom the petition of the Royal African Company of England stands referred. (*Ibid.*, p. 184.)

Dec. 12, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom it was referred to consider of the motion for granting to their Majesties the subsidy of tonage and poundage, the resolution of the committee thereupon; which he read in

² See note 10, *ante*, p. 89. On Dec. 6 this committee was given power to send for persons, papers, and records. *C. J.*, XI. 183.

³ The Levant or Turkey Company had been transformed from a joint-stock to a regulated body. Scott, *Joint-Stock Companies*, II. 88, 140.

⁴ In Nov., 1693, the assembly of Barbados drew up a remonstrance of grievances against the Royal African Company, in which it was declared that the incorporation of the company had diminished the number of ships engaged in the negro trade; that the evil of the monopoly threatened to drive the English out of the African trade; and that the colonies were not so abundantly or cheaply furnished with slaves as before its establishment, as a result of which the sugar industry was likely to fall into the hands of the French. *Cal. St. P. Col.*, 1693-1696, pp. 200, 207.

his place; and afterwards delivered in at the clerk's table: where the same was once read; and is as followeth; *viz.*

Resolved, that it is the opinion of this committee, that the subsidy of tonage and poundage be granted to their Majesties.

The said resolution being read a second time;

Resolved, that this House doth agree with the committee in the said resolution, that the subsidy of tonage and poundage be granted to their Majesties.⁵ (*Ibid.*, p. 185.)

Dec. 12, HC. A petition of the merchants and planters concerned in the island of Jamaica was presented to the House, and read; setting forth, that their losses by sea, and by earthquakes, and the descent of the French since the war, have been very great; insomuch that, about two years since, by an earthquake, about 700 houses and 2000 inhabitants of Port-Royall were swallowed up, with all their riches;⁶ and, by a descent, in June last, the French destroyed 169 plantations, and carried off about 1400 negroes;⁷ the whole loss being deemed at 200,000 *l.*: that the African Company having prayed leave to bring in a bill for establishing the trade of Africa, according to their charter, it will debar the petitioners from purchasing their negroes at the best hand, which can only enable them to resettle their ruined plantations: and praying to be heard at the bar of the House, before the said bill do pass; or that leave be given to bring in a bill to establish the trade to Africa in a regulated company.

Ordered, that the consideration of the said petition be referred to the committee, to whom the examination and consideration of the petition of the Royal African Company of England stands referred. (*Ibid.*, p. 186.)

Dec. 14, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the grant, to be made to their Majesties, of the subsidy of tonage and poundage. . . .

Sir Thomas Littleton reported from the said committee, that they had considered the matter to them referred; and had come to several resolutions; which they had directed him to report, when the House would please to receive the same.

Resolved, that the report be now received.

Then Sir Thomas Littleton read the said resolutions in his place; and afterwards delivered the same in at the clerk's table: where the same were once read throughout; and then a second time, one by one: and, upon the question severally put thereupon, they were agreed unto by the House; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that the grant, to be made to their Majesties, of the subsidy of tonage and poundage, shall commence on the six-and-twentieth day of December 1694.

⁵ This became 6-7 Gul. et Mar. c. 1, which continued for five years the tonnage act of 12 Car. II. c. 4 (vol. I. of this series, p. 273); also 25 Car. II. c. 7, for the encouragement of the Greenland and plantation trade (*ibid.*, pp. 398-399). *Statutes*, VI. 508.

⁶ June 7, 1692. *Cal. St. P. Col.*, 1689-1692, pp. 651, 711.

⁷ The French landed at Port Royal, June 17. *Id.*, 1693-1696, pp. 300-301, 305, 318.

Resolved, that it is the opinion of this committee, that the said grant of tonage and poundage shall be and continue for the term of five years, and no longer.⁸ (*C. J.*, XI. 187.)

Dec. 17, HC. Mr. Solicitor-General,⁹ according to order, presented to the House a bill for granting to their Majesties the subsidy of tonage and poundage: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 188.)

Dec. 17, HC. A petition of the merchants and traders of the city of Bristol to their Majesties plantations in America was presented to the House, and read; setting forth, that by the statute of 22th and 23, *Car. II*d;¹⁰ it is enacted, that all ships, loading any commodities of the English plantations, shall bring the same into some port of England, Wales, or the town of Berwick upon Tweed, there to be unladen: notwithstanding which, divers ships, belonging to their Majesties subjects, have carried such commodities directly to Scotland and Ireland, without paying custom here; contrary to the said statute, and to the great prejudice of their Majesties revenue, and the trade of England: and praying the House to provide such remedy against this growing evil as they shall think fit.

Ordered, that the examination and consideration of the said petition be referred to a committee: and that they do report the matter, with their opinion therein, to the House:

And it is referred to Sir John Knight, Sir Gilbert Clark, Mr. Blofeld, Mr. Chetwynd, Mr. Pigot, Mr. England, Mr. Fuller, Mr. Newport, Mr. Culliford, Mr. Burdet, Sir Robert Davers, Mr. Colt, Mr. Boyle, Mr. Fawkes, Mr. Hawtry, Sir Rich. Hart, Mr. Hutchinson, Mr. Bowyer, Mr. Rider, Sir John Moreton, Mr. Ash, Sir Tho. Tayler, Sir Edward Hussey, Mr. Thornhagh, Sir John Key, Mr. Vincent, Mr. Hedger, Sir Richard Temple, Mr. Waller, Mr. Palmes, Sir Tho. Roberts, Mr. Arnold, Mr. Holt, Mr. Christie, Mr. Appleyard, Sir Wm. Ellis; and all the members that serve for the sea-port towns, and that are merchants: and they are to meet to-morrow in the afternoon at four a clock, in the Speaker's Chambers: and are empowered to send for persons, papers, and records.¹¹ (*Ibid.*)

Dec. 18, HC. A bill for granting to their Majesties the subsidy of tonage and poundage was read a second time.

Resolved, that the bill be committed to a committee of the whole House, upon the debate of the House.

⁸ See note 5, *ante*.

⁹ Thomas Trevor.

¹⁰ *C. 26*; see vol. I., p. 371.

¹¹ As a result of this and a similar petition presented from Liverpool, Jan. 3, a bill was reported to secure the plantation trade and to prevent shipping tobacco in bulk, but it failed to pass (*post*, pp. 106, 112). On Aug. 9, 1694, the Privy Council attempted to stop this illegal trade by ordering vessels to cruise off the coasts of Virginia, Maryland, and Pennsylvania (*Acts P. C. Col.*, II. 272-273). Relief was finally obtained by 7-8 Gul. III. c. 22, which placed Irish ships on equal terms with those of England, but on the other hand required not only enumerated articles but all plantation goods to be first landed in England before being carried into Ireland. *Post*, pp. 110-111, 155; G. F. Zook, "Economic Relations of England and Ireland", *Hist. Outlook*, XIII. 241.

Resolved, that this House will, to-morrow morning at eleven a clock, resolve itself into a committee of the whole House, to consider of the said bill. . . . (*Ibid.*, p. 189.)

Dec. 19, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for granting to their Majesties the subsidy of tonage and poundage. . . .

Sir Thomas Littleton reported from the said committee, that they had gone through the bill; and made several amendments; which they had directed him to report, when the House would . . .¹² to receive the same.

Ordered, that the said report be made to-morrow morning at eleven a clock. (*Ibid.*, p. 190.)

Dec. 20, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom the bill for granting to their Majesties the subsidy of tonage and poundage was committed, the amendments made by the committee to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 191.)

Dec. 21, HC. An ingrossed bill for granting to their Majesties the subsidy of tonage and poundage was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for granting to their Majesties a subsidy of tonage and poundage, and other sums of money, payable upon merchandizes exported and imported.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.¹³ (*Ibid.*, p. 192.)

Dec. 21, HL. *Hodie 1a vice lecta est billa*, intituled, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported. (*L. J.*, XV. 449.)

Dec. 21, HL. *Hodie 2a vice lecta est billa*, intituled, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported.

Ordered, that the said bill shall be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee thereupon.

The House was resumed.

And the Lord Godolphin reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (*Ibid.*, p. 450.)

Dec. 22, HL. *Hodie 3a vice lecta est billa*, intituled, An act for granting to their Majesties a subsidy of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

¹² So in *Journals*.

¹³ *L. J.*, XV. 449.

A message was sent to the House of Commons, by Sir Miles Cook and Mr. Meredith:

To let the Commons know, the Lords have agreed to the said bill, without any amendment.¹⁴ (*L. J.*, XV. 450.)

1694/5.

Jan. 3, HC. A petition of the merchants, and traders, of the town and borough of Leverpoole, to his Majesty's plantations in America, was presented to the House, and read; setting forth, that by an act, made in the 25th¹⁵ year of King Charles the II^d, to prevent the planting of tobacco in England; and for regulating the plantation-trade; all ships and vessels loading any commodities of the English plantations were to bring the same to some port of England, Wales, or Berwick upon Tweed, to be there unladen: that, contrary to the said act, several ships belonging to England, Scotland, and Ireland, have, for several years last past, carried the produce of the plantations directly to Scotland and Ireland, without paying any custom for the same; which is highly prejudicial to their Majesties revenue, and the trade of this kingdom: and praying, that some remedy may be provided against this groaning evil.

Ordered, that the examination and consideration of the said petition be referred to the committee, to whom the petition of the merchants, and traders, of the city of Bristoll to his Majesty's plantations in America, stands referred:¹⁶

And that Mr. Norries, Mr. Jeffries, Lord Digby, Mr. Nicholas, Colonel Titus, Mr. Lowther, Mr. Bulkly, Sir Tho. Vernon, Lord Pawlet, Sir Hen. Vane, Mr. Gerrard, be added to the said committee. (*C. J.*, XI. 195.)

Jan. 21, HC. A petition of the dyers, setters, callenders, tillet-painters, pressers, and packers, living in and about the City of London, was presented to the House, and read; setting forth, that formerly perpetuana's and serges of all sorts received their full manufacture here, before they were exported; whereby his Majesty's customs for indico, madder, logwood, and other materials used in the dyeing-trade, is very considerable; and many thousands of people, depending on the said artificers, received their whole livelihood: that, of late years, foreigners, and others, for their own private gain, have exported the said commodities from hence white, to be finished beyond seas; to the ruin of some thousands of families depending wholly upon that employment; and the discouragement of the planters of English woad, would, madder, and other things used in the dyeing-trade: and praying, that the exportation of perpetuana's and serges white, and not fully manufactured, may be prohibited, or some mulct or increase of custom may be laid thereupon, that the dyeing-trade may be encouraged.

¹⁴ *C. J.*, XI. 193. The royal assent was given this same day. (*Ibid.*; *L. J.*, XV. 451.) Queen Mary died on Dec. 28, at the age of thirty-two.

¹⁵ The 23d, see note 10, *ante*, p. 104. The act 25 Car. II. c. 7 also regulated the plantation trade, but contained no prohibition against the planting of tobacco. See vol. I., p. 398.

¹⁶ *Ante*, p. 104.

Ordered, that the consideration of the said petition be referred to the grand committee for trade.

Ordered, that the said committee do consider of the duties upon all dyers wares.

Ordered, that the said committee do also consider of the book of rates.¹⁷ (*Ibid.*, p. 212.)

Jan. 31, HL. After some time spent in consideration of the state of the fleet; the following orders were made; (*videlicet*,)

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do lay before this House, on Monday next, at ten of the clock, copies of all orders which they have given to the fleets in the Mediterranean and Channel, relating to the expeditions the last summer, except only such parts of those orders which relate to any particular design yet remaining to be executed; and also of the orders to the convoys of the store-ships and victuallers, that went to the Streights before Christmas last, and of the orders to the victuallers for supplying the said fleets for the last year; and also bring an account of the number of cruizers employed the last year, and of their stations, and of the times appointed to them respectively to cruize in those stations; and also copies of the orders to those men of war that went to the West Indies the last year, except only such parts of those orders which relate to any particular design yet remaining to be executed.¹⁸ (*L. J.*, XV. 475.)

Feb. 4, HL. The commissioners of the transports attending (pursuant to an order of the one and thirtieth of January last) were called in; and delivered, at the bar, the papers, according to the said order.¹⁹ (*Ibid.*, p. 477.)

Feb. 7, HC. A petition of divers English merchants, owners, builders, and masters of ships, and other persons concerned in shipping and navigation, on behalf of themselves, and many thousand families, immediately depending upon the foreign trade and commerce of this kingdom, was presented to the House, and read; setting forth, that the punctual performance of the act of navigation, made in the 12th year of King Charles the IIId, is of great import to the trade and safety of this kingdom: and that, of late years, great quantities of merchandizes have been imported, contrary to the said act; to the great discouragement of such merchants as import their goods fairly; to the utter ruin of our trade here, and English navigation; and to the lessening of his Majesty's customs; all which the petitioners are ready to prove: which ill practice proceeds from the encouragement given to such unfair traders, who import their merchandize in ships which are neither built nor manned as by that law is required; so that the shipping and navigation of the northern crowns is much increased; and the foreign trade must of necessity be wholly lost

¹⁷ No action was taken during this session.

¹⁸ For a list and description of the many papers delivered to the House of Lords between this date and Feb. 27, see *MSS. H. of L.*, 1693-1695, pp. 458-498.

¹⁹ There were 13 copies of orders to the men-of-war that went to the West Indies. These are calendared *ibid.*, pp. 469-470.

to England; and the shipping and navigation of this kingdom will be utterly ruined in a few years, unless some speedy care be taken: and praying, that they may be heard, touching the said grievances; and that the House will take such measures for preventing the breach of the said act of navigation, as shall be thought necessary.

Ordered, that the said petition do lie upon the table until the bill for the importing wines, and other goods, from Spain, Portugal, and Italy, of the growth of those countries in English, and English built ships, manned with seamen of those countries, be read the first time.²⁰ (*C. J.*, XI. 224.)

Feb. 11, HL. After reading, this day, several papers delivered from the Secretary's office, and Commissioners of the Admiralty:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the paper delivered by the Commissioners of the Admiralty, intituled, "An Account of the Number of Cruizers employed the last Year, and of their Stations, and of the Times appointed to them respectively to cruize in those Stations", shall be returned, to the end they may add the dates of their orders to the stations: and that, if there be any orders precedent to those already delivered to this House in relation to the squadron that carried Mr. Russell²¹ to the Barbados, they be laid before this House on Wednesday next, at ten of the clock in the forenoon, as also their answer to the question last sent them. (*L. J.*, XV. 488.)

Feb. 12, HC. Ordered, that the committee, to whom the examination and consideration of the petition of the Royal African Company was referred, have leave to sit to-morrow morning.²² (*C. J.*, XI. 229.)

Feb. 13, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supply to be granted to his Majesty, for carrying on the war against France with vigour, the resolutions of the said committee; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that a duty be laid upon coffee, tea, and chocolate. . . .²³

The rest of the resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House. (*Ibid.*, pp. 231-233.)

Feb. 14, HC. Mr. Hungerford reported from the committee, to whom the examination and consideration of the petition of the Royal African Company of England was referred, that they had examined and considered the same; and also the several petitions which were referred to the said committee; and had agreed upon several resolutions; which they

²⁰ This bill, presented Feb. 5, read the first time Feb. 8 but making no further progress, was the result of a petition of wine merchants read Jan. 28. *C. J.*, XI. 216, 221, 225.

²¹ Francis Russell, the newly appointed governor. See note 25, *post*.

²² See entry of Nov. 30, *ante*, p. 101.

²³ The net revenue from duties on coffee and tea, for the year ending Michaelmas, 1694, was reported to be about £2150 (*C. J.*, XI. 204, 209). As to added duty on coffee, see entry of Apr. 3, *post*.

had directed him to report; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that the trade to Africa is an encouragement to the woollen manufacture, and a beneficial trade to the nation.

Resolved, that it is the opinion of this committee, that forts and castles are necessary for carrying on, and preserving, the trade to Africa, to this nation.

Resolved, that it is the opinion of this committee, that the trade to Africa will be best carried on to the benefit of this nation, and the English plantations in America, by a joint stock.

Mr. Hungerford also acquainted the House, that the committee had directed him to move the House, for leave, that a bill may be brought in, pursuant to their resolutions.

Resolved, that this House will, upon Tuesday morning next, take the said report into consideration.²⁴ (*Ibid.*, pp. 233-234.)

Feb. 14, HL. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do, with all convenient speed, lay before this House their answer to the following question; (*videlicet*,)

When they had any directions for preparing ships to sail to the West Indies, with Colonel Russell, or any others; and how these directions were executed? ²⁵ (*L. J.*, XV. 494.)

Feb. 19, HL. This day Mr. Bridgeman (pursuant to the order of the fourteenth instant) delivered some papers from the Commissioners of the Admiralty.²⁶ (*Ibid.*, p. 499.)

Feb. 21, HL.²⁷ It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do at-

²⁴ Consideration of this report was postponed Feb. 19, 22, 26, Mar. 2, Apr. 13, 16. *Ibid.*, pp. 237, 243, 249, 255, 302, 305.

²⁵ See next entry. This same day Wm. Bridgeman delivered to the Lords copies of two orders from the Admiralty to Captain Gourney, of the *Bristol*, dated Apr. 19, 1694, to transport to Barbados Governor Russell and his family, and also Mr. Onely with his servants. In reply to the request made Feb. 11 for such orders, the Admiralty stated, Feb. 13, that there were none such. *MSS. H. of L.*, 1693-1695, p. 486.

²⁶ Among them, the answer of the Admiralty to the question of Feb. 14, which was that the following orders had been given: to fit the *Bristol*, *Bonadventure* (in its stead the *Coronation*), and the *Experiment* for a voyage to the West Indies; Feb. 23, 1693/4, to convey Governor Russell's goods to Barbados; Mar. 8, 1693/4, in compliance with an Order in Council, to send one fourth, one fifth, and one sixth-rate vessel to Jamaica to guard it (*Acts P. C. Col.*, II. 267); Apr. 15, 1694, to have the Jamaica convoy accompany the Barbados convoy; Apr. 19, to stop the convoys; May 7, to permit them to proceed. There were also copies of orders from the Admiralty to Captain Simmons, of the *Hampshire*, at the Downs: Mar. 8, 1693/4, to receive on board for passage to Barbados, Edward Cranfield, revenue commissioner, and three servants; Mar. 12, to sail at once for Jamaica with any merchant ships bound thither, and to place himself under the orders of the lieutenant-governor there; Mar. 12, not to impress seamen from Jamaica without the governor's leave; Mar. 18, to remain at the Downs till further order. *MSS. H. of L.*, 1693-1695, pp. 486-487.

²⁷ In the Commons this day Sir Stephen Fox, from the Treasury, presented an account of fees and salaries payable to divers persons at the Exchequer, in which appears an item of £240 for salary to John Goddard, governor of the Bermudas. *C. J.*, XI. 241.

tend, and lay before this House, in writing, on Saturday next, at eleven of the clock in the forenoon, answers to the following questions:

1. Why the squadron, appointed to cruise in the Soundings, when the Barbadoes fleet was expected, in September one thousand six hundred ninety-three, was recalled before that fleet came home?

5. Why they committed the care of the stores and provisions sent to the fleet in the Mediterranean, and the stores coming from the Baltick and New England, to so slender convoys?

6. What cruisers and convoys there have been for a year and a half last past upon the northern coast? and what are now there? (*L. J.*, XV. 502.)

Feb. 23, HL. The Commissioners of the Admiralty delivered their answers to the questions ordered the one and twentieth instant.²⁸ (*Ibid.*, p. 505.)

Feb. 27, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of ways and means for raising the supply, to be granted to his Majesty, for carrying on the war against France with vigour.

Sir Thomas Littleton reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that an account of the importation of tobacco, from 1681. to 1689. may be laid before the House.

Ordered, that the Commissioners of the Customs do lay before this House an account of the importation of tobacco, from one thousand six hundred eighty-one, to 1689. (*C. J.*, XI. 251.)

Feb. 28, HC. Sir John Knight reported from the committee, to whom the examination and consideration of the petition of the merchants and traders of the city of Bristoll to his Majesty's plantations in America; and also the petition of the merchants and traders of the town and borough of Leverpoole to his Majesty's plantations; was referred; ²⁹ that they had examined and considered the matter of the said several petitions; and had directed him to report the same to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read; and is as followeth; *viz.*

That Mr. Sanson,³⁰ secretary to the Commissioners of his Majesty's Customs, produced to the committee several papers and informations laid before the said Commissioners of the Customs, proving, that there had

²⁸ See preceding entry. To the first question it was answered that the queen had ordered otherwise; to the fifth it was stated that the ships from New England were ordered to be convoyed by two men-of-war, of 40 and 32 guns, which was the usual convoy strength for that trade and as much as the service would permit. In reply to the last question the list of cruisers and convoys was given. (*MSS. H. of L.*, 1693-1695, pp. 487-489.) This same day additional questions were put to the Admiralty having to do with the operations and state of the fleet (*L. J.*, XV. 505), answers to which were given Feb. 27 (*ibid.*, p. 508). In these it was stated that the merchants trading to Barbados petitioned for protecting cruisers when their ships should arrive on the coast of England or Ireland, and that six ships were ordered for that service, two to cruise off Cape Clear, two off Scilly, and two off the Lizard. (*MSS. H. of L.*, pp. 489-490.) The address which was finally presented to the king is printed below, p. 112.

²⁹ *Ante*, pp. 104, 106.

³⁰ John Sansom.

been, for many years past, a constant trade carried on by divers persons, contrary to the act of navigation, and other laws for securing the plantation-trade, from Scotland to the sugar and tobacco-plantations in America; and from the said plantations back again to Scotland: and particularly,

That one Thomas Meech, who had been concerned in the said illegal trade, had informed the commissioners, that, in the year 1693, twelve ships of the kingdom of Scotland had laded tobacco and sugar in the said plantations, and had returned directly to Scotland, and there unloaded: besides which, there were then eight more ships upon the same voyages.³¹

And Mr. Sanson further declared to the committee, that, by these illegal practices, the king was damaged in his customs at least 50,000 *l.* a year.

That then several merchants were called in; and examined: and, first,

Mr. Micajah Perry³² informed the committee, that he had now bills of exchange, which were drawn in Virginea, payable to him for the country duties of tobacco loaden on a ship in Virginea, which was now actually discharged in Glasgow in Scotland; and that he had, for several years past, received returns from Scotland, for the account of several planters in Virginea, being the produce of tobacco loaden on Scottish ships in Virginea, and landed in Glasgow in Scotland:

That before this illegal trade driven by the Scotts, from the tobacco-plantations, he used yearly to ship from England to Scotland at least 800 hogsheads of tobacco; and of late he has not sent one:

That the like illegal trade was carried on between Ireland and Virginea:

That one great means of carrying on this fraudulent trade from Virginea to Scotland . . .³³ Ireland, did proceed from a late practice of loading on shipboard vast quantities of tobacco in bulk, which they run on shore in every port they put into; thereby defrauding the king of his customs, at least 60,000 *l.* per ann.; and abating at least a sixth-part of the shipping employed in that trade; and causing the price of tobacco in all places to abate so considerably, that the fair traders cannot live by their trade; and hath so discouraged the planters in Virginea and Maryland from planting tobacco, that they had thoughts of giving over the same; and had already set up several manufactures, which they were formerly supplied with from England; and were consulting how to set up more.

That several other merchants appeared, and confirmed what Mr. Perry had informed the committee, in relation to the fraudulent trade between Scotland and Ireland, and the tobacco-plantations; and the great damage

³¹ In Feb., 1693/4, Meech protested against the trade carried on between Scotland and Ireland, and Virginia and Pennsylvania, contrary to the navigation laws (Redington, *Calendar of Treasury Papers*, I. 348). In June, 1695, he was commissioned by Governor Nicholson of Maryland to cruise for the suppression of this illegal trade (*Cal. St. P. Col.*, 1693-1696, pp. 510, 655). Early in the following year, he was drowned and his ship wrecked. *Ibid.*, p. 650.

³² A London merchant, of Leadenhall St., interested in the Virginia trade (*ibid.*, p. 559; *Acts P. C. Col.*, II. 168, 392). He was one of the executors of Gov. Daniel Parke, of the Leeward Islands, who was murdered during an insurrection in Antigua in 1710. *Ibid.*, pp. 648, 649.

³³ The omission is indicated in the *Journals*.

the kingdom sustains by loading of tobacco in bulk: and did believe, that if there were not some law to prevent the same, the plantation-trade would be in danger to be totally lost; to the great decay of navigation, and the diminution of his Majesty's customs.

And then Sir John Knight acquainted the House, that he was directed by the said committee to move, that leave be given to bring in a bill for the better securing the plantation-trade; and preventing the shipping of tobacco in bulk.

Ordered, that a bill be brought in accordingly: and that Sir John Knight do prepare, and bring in, the same. (*C. J.*, XI. 252.)

Mar. 2, HC. Sir John Knight presented to the House, according to order, a bill for the better securing the plantation-trade, and preventing the shipping of tobacco in bulk: and the same was received.⁸⁴ (*Ibid.*, p. 255.)

Mar. 2, HL. The Earl of Stamford reported from the committee, the address drawn by them upon the debate yesterday.

Which was read; and some alterations being made therein, the same was agreed to, as followeth; (*videlicet*,)

We, the Lords Spiritual and Temporal in Parliament assembled, having resolved, by the unanimous vote of this House, that the sending so great a fleet into the Mediterranean, and continuing it in those parts, has been to the honour and advantage of your Majesty and your kingdoms; and having spent some time upon consideration of the condition of the fleet both at home and abroad, and of the great increase of the naval force and strength of our neighbours; conceive it to be our duty to your Majesty and the kingdom, humbly to represent, that the honour and safety of this nation, under the providence of God, chiefly depends upon your strength at sea: and whereas, by the long continuance of this war, the number of your ships must have been diminished, and those remaining greatly impaired, we think it of the highest importance to your Majesty's service, and the security and interest of your people, that you would be pleased to give such speedy and effectual directions for the repair and increase of your royal navy, as may enable your Majesty not only to continue a strength in the Mediterranean, during this war, which may be superior to that of our enemies; but likewise to maintain such a force here at home and in the West Indies, as shall be a security for our coasts and plantations, and a protection of our trade, and sufficient both for the annoying of our enemies, and for the protecting and conveying all such stores and provisions as must be sent to the fleet in those parts; upon the effectual and timely providing whereof, the safety of that part of your Majesty's navy does so much depend.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lords with white staves do attend his Majesty, humbly to know when his Majesty will be pleased to be attended with the address of this House.⁸⁵ (*L. J.*, XV. 511.)

⁸⁴ This bill had two readings, when it was voted not to commit it.

⁸⁵ This address was presented on Mar. 7, and the king's answer was reported on the eighth. *L. J.*, XV. 512, 513.

Mar. 4, HC. Ordered, that the bill for the better securing the plantation-trade; and preventing the shipping of tobacco in bulk; be read the first time upon Thursday morning next. (*C. J.*, XI. 256.)

Mar. 7, HC. A bill for the better securing of the plantation-trade; and preventing the shipping of tobacco in bulk; was, according to order, read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 258.)

Mar. 12, HC. Ordered, that the bill for the better regulating of the plantation-trade; and preventing the shipping of tobacco in bulk; be read the second time to-morrow morning.³⁶ (*Ibid.*, p. 265.)

Mar. 20, HC. A bill for the better securing the plantation-trade; and preventing the shipping of tobacco in bulk; was, according to order, read a second time.

And the question being put, that the bill be committed;

It passed in the negative. (*Ibid.*, p. 277.)

[Mar.],³⁷ HL. To the Right Honourable the Lords Spiritual and Temporal in Parliam't assembled

The humble petition of Jacob Leisler of N. York in America and Ab'ham Gouverneur³⁸ of the same place

Sheweth that Capt'n Francis Nicholson being upon his Maj'tys and the late Queen's accession to the throne lieut't gov'r of the s'd province of New York and refusing to declare for their maj'tys or submit to their government withdrew himself from the s'd province.³⁹

That thereupon Jacob Leisler the late father of your petitioner Jacob Leisler was by the generall assembly appointed commander in chief of the fort and province of New York to the general satisfaction of the inhabitants and afterwards by a letter from his sacred Maj'ty confirmed in the s'd command untill his maj'tys pleasure should be further known.

That the s'd Jacob Leisler by virtue of the s'd authority so given and confirmed to him proclaimed their s'd Maj'tys king and queen and secured

³⁶ The business of the House was interrupted by the illness of Sir John Trevor, the Speaker, and the election of Paul Foley in his stead, so that this bill received no further attention until Mar. 19, when the second reading was ordered for the next day (*C. J.*, XI. 276). On Mar. 16 Trevor was expelled from the House, "for receiving a gratuity of a thousand guineas, from the City of London". *Ibid.*, p. 274.

³⁷ This undated petition must have been presented in this month, since it was authorized, as the text shows, by the Privy Council on Feb. 28, and action was taken by the Lords before Apr. 3, when the bill was read.

³⁸ Convicted with Leisler, father of Jacob who joins in this petition, Gouverneur preserved his life by escaping into New England, where he was given protection (*Continuation of Chalmers's Political Annals*, pp. 62-63, in N. Y. Hist. Soc., *Collections*, 1868). He was pardoned by Order in Council of May 13, 1692 (*Acts P. C. Col.*, II. 204), and afterwards married Milborne's widow, the elder Leisler's daughter. N. Y. Hist. Soc., *Collections*, 1868, p. 240.

³⁹ For a sketch of Nicholson, see W. C. Ford, in *Mag. Am. Hist.*, XXIX. 499. For the general story of Leisler, see Channing, *Hist. of U. S.*, II. 203-209, 295-296; C. M. Andrews, *Colonial Self-Government*, pp. 283-287 (*Am. Nation*, V.). The papers relating to the administration of Leisler, 1689-1691, are published in *Documentary History of the State of New York*, II. 1-438; other documents, from the Du Simitiere collection, are printed in N. Y. Hist. Soc., *Collections*, 1868, pp. 239-426. C. M. Andrews, *Narratives of the Insurrections, 1675-1690* (Jameson, *Original Narratives of Early American History*), pp. 317-401, reprints a *Modest and Impartial Narrative*, 1690; a *Letter from a Gentleman of the City of New York*, 1698; and *Loyalty Vindicated*, 1698.

the s'd province to their Maj'tys interest and faithfully and duly executed the s'd office.

That Colo. Sloughter was afterwards by his Maj'ty appointed governor of the s'd province,⁴⁰ but about six weeks before the s'd Colo. Slaughter's arrival at New York one Capt'n Ingoldsby coming thither demanded the possession of the s'd fort pretending a right to the same as capt'n of a foot company tho he had no authority either from his Maj'ty or Colo. Slaughter to demand the possession thereof.⁴¹

That the said Jacob Leisler refusing to deliver the possession of the s'd fort to the s'd Capt'n Ingoldsby for want of s'd orders he the s'd Ingoldsby (together with one Mr Joseph Dudley⁴² now called Colonel Dudley and several others that were of the council to the s'd Nicholson) laid close siege to the s'd fort and raised batteries against it and continued the s'd siege from the 29th of January 1690 until the 19th of March following at which time Colo. Slaughter arrived at the s'd province to whom the said Jacob Leisler as soon as he had notice thereof offered the possession of the fort and delivered the same accordingly.

Notwithstanding which the s'd Jacob Leisler the elder and Jacob Milborne⁴³ were attainted of high treason for not delivering the s'd fort to the s'd Capt'n Ingoldsby and his accomplices before the s'd Joseph Dudley chief judge, Capt'n Ingoldsby and such their associates that had been concerned in the besieging the s'd fort as afores'd⁴⁴ and the s'd Leisler and Milborne were executed for the same. That your petitioner Ab'm Gouverneur—Gerardus Beekman, John Vermillie dec'd, Minart Coerten, Thomas Williams and Abraham Brasher were also attainted for assisting the s'd Jacob Leisler and their estates seized.⁴⁵

That her late Maj'ty being very sensible of the hardships of your petitioner's case, was graciously pleased to direct that the said persons should be restored to their estates.

That the s'd attainders and the corruption of blood which was wrought thereby being still in force his Maj'ty was graciously pleased by his order in Councill dated the 28th of February last to give leave to apply to Parliament for the reversal of the attainders.⁴⁶

⁴⁰ Commissioned Nov. 14, 1689. *Cal. St. P. Col.*, 1689-1692, p. 180.

⁴¹ Maj. Richard Ingoldsby. As to his authority in this affair, see C. M. Andrews (*Narratives of the Insurrections*, p. 390, n. 2), who disagrees with Professor Channing's belief that a commission had been issued to Ingoldsby, authorizing him to exercise supreme power as commander-in-chief. Copies of his captain's commission and of his correspondence with Leisler are printed in N. Y. Hist. Soc., *Collections*, 1868, pp. 299 *et seq.*; see also *Doc. Hist. N. Y.*, II. 320-330.

⁴² President of the council and head of the government, May-Dec., 1686, councillor and chief justice under Andros, 1686-1689, M. P. for Newtown, 1701-1702, and governor of Massachusetts Bay, 1702-1715. He presided at Leisler's trial. His *Life* has been written by Everett Kimball.

⁴³ Leisler's son-in-law. Other biographical facts are given by Andrews, *op. cit.*, p. 335 n.

⁴⁴ Thomas Johnson, Sir Robert Robinson, Chidley Brooke, William Smith, William Pinhorn, John Lawrence, Jasper Hicks, Maj. Richard Ingoldsby, Col. John Young, and Capt. Isaac Arnold were the other justices commissioned by Sloughter. The trial began Mar. 31, 1691. Leisler and Milborne were hanged May 16. *Ibid.*, pp. 392 n.-393 n.

⁴⁵ They were all pardoned by order of May 13, 1692. *Acts P. C. Col.*, II. 204.

⁴⁶ *Ibid.*, p. 205.

Your petitioners therefore most humbly pray that your Lordships would be pleased to take their case into your serious consideration and also give leave that a bill be brought into this hon'ble house for the reversall of the s'd attainders.

And your petitioners as in duty bound shall ever pray etc. JACOB LEISLER. ABRAHAM GOUVERNEUR. (N. Y. Hist. Soc., *Collections*, 1868, I. 339-340.)

1695.

Apr. 3, HC. Sir Thomas Littleton reported from the committee of the whole House, to whom it was referred to consider of ways and means for raising the supply to be granted to his Majesty, for payment of such persons whose ships were employed for the reducing of Ireland,⁴⁷ the resolutions of the said committee; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

3. Resolved, that it is the opinion of this committee, that, towards raising the said sum of 20,000 *l.* per ann. a duty of 56 *s.* per hundred weight be laid upon all coffee imported, over and above what is now payable for the same.⁴⁸

4. Resolved, that it is the opinion of this committee, that, towards the raising the said sum of 20,000 *l.* per ann. a duty of 6 *d.* per pound weight be laid upon all cocoa-nuts imported from any the plantations belonging to the crown of England, over and above what is now payable for the same.

5. Resolved, that it is the opinion of this committee, that, towards raising the said sum of 20,000 *l.* per ann. a duty of nine-pence per pound weight be laid upon all cocoa-nuts imported from any other, foreign, plantations, over and above what is now payable for the same.

7. Resolved, that it is the opinion of this committee, that, towards raising the said sum of 20,000 *l.* per annum, a duty of 2 *s.* per pound weight be laid upon all cocoa-paste imported, over and above what is now payable for the same.

10. Resolved, that it is the opinion of this committee, that, towards raising the said sum of 20,000 *l.* per ann. a duty of double the sums charged in the book of rates, be laid upon all nutmegs, cinnamon, cloves, and mace.

12. Resolved, that it is the opinion of this committee, that the said duties be granted to his Majesty for the term of three years.

The first four of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The fifth resolution being read a second time;

An amendment was proposed to be made, by inserting, after "plantation", "from whence by law they may now be imported":

⁴⁷ Ending with the siege and treaty of Limerick, 1691.

⁴⁸ Concerning existing duties on coffee, cocoanuts, and the importation of nutmegs, cinnamon, cloves, and mace, under 1 Gul. et Mar., sess. 2, c. 6, see *ante*, p. 14, note 13.

And the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the House do agree with the committee in the said resolution, so amended, that, towards raising the said sum of twenty thousand pounds per annum, a duty of nine-pence per pound weight be laid upon all cocoa-nuts imported from any other, foreign, plantations, from whence by law they may now be imported, over and above what is now payable for the same.

The sixth and seventh resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The tenth resolution being read a second time;

An amendment was proposed to be made, by leaving out "double the sums", and inserting, instead thereof, "5 *l.* per cent. over and above what is now":

And the same was, upon the question put thereupon, agreed unto by the House.

Resolved, that the House do agree with the committee in the said resolution, so amended, that, towards raising the said sum of 20,000 *l.* per annum, a duty of 5 *l.* per cent. over and above what is now charged in the book of rates, be laid upon all nutmegs, cinnamon, cloves, and mace.

The rest of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill be brought in upon the said resolutions.

Ordered, that Mr. Solicitor-General, Mr. Godolphin, and Mr. Perry, do prepare, and bring in, the bill.

Ordered, that it be an instruction, that a clause be brought into the bill, for the redemption of such of the said debts as may have been assigned.

Ordered, that it be an instruction also, that a clause be brought into the bill, for dispensing with the act of navigation, for the importation of nutmegs, cloves, cinnamon, mace, and tea, during the said three years. (*C. J.*, XI. 292.)

Apr. 3, HL. Hodie 1a vice lecta est billa, intituled, An act for reversing the attainder of Jacob Leisler and others.⁴⁹ (*L. J.*, XV. 530.)

Apr. 4, HL. Hodie 2a vice lecta est billa, intituled, An act for reversing the attainder of Jacob Leisler and others.

Ordered, that the consideration of the said bill be committed to the Lords following; and that these words, (*videlicet.*) "arbitrarily, illegally, and unjustly", be left out of the said bill:

Dux Bolton, Dux Shrewsbury, March. Normanby, Comes Bridgewater, Comes Manchester, Comes Stamford, Comes Sandwich, Comes Bathe, Comes Craven, Comes Feversham, Comes Rochester, Comes Monmouth, Comes Torrington, Viscount Villiers, Epus. London, Epus. Cov. et Litch., Epus. Sarum, Epus. Worcester, Epus. Oxon, Epus. Norwich, Epus.

⁴⁹ 6-7 Gul. III., private acts, c. 30. The text is printed in *Doc. Hist. N. Y.*, II. 435-437. See also *MSS. H. of L.*, 1693-1695, p. 540. Constantine Phips, who framed the bill, and Sir Henry Ashurst, chairman of the Commons' committee to whom the bill was referred, were the agents for Massachusetts. (*Continuation of Chalmers's Political Annals*, *loc. cit.*, p. 141.) Andrews says, "Bellomont, the later pro-Leislerian governor of New York, was also one of the committee" (*op. cit.*, p. 395 n.), but the list does not contain his name (*post*).

Petersburgh, *Epus.* Gloucester, *Epus.* Lincolne, *Ds.* Eure, *Ds.* Hunsdon, *Ds.* Grey, *Ds.* Maynard, *Ds.* Culpeper, *Ds.* Lucas, *Ds.* Granville, *Ds.* Cornwallis, *Ds.* Guilford, *Ds.* Jeffreys, *Ds.* Herbert Ch.

Their Lordships, or any five of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*Ibid.*, p. 531.)

Apr. 6, HC. Colonel Perry, according to order, presented to the House a bill for the granting of certain rates and duties upon coffee, tea, and chocolate, and other goods and merchandizes therein mentioned, for the term of three years, for the purposes therein expressed: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time.⁵⁰ (*C. J.*, XI. 295.)

Apr. 8, HC. A bill for the granting to his Majesty certain rates and duties upon coffee, tea, and chocolate, and other goods and merchandize therein mentioned, for the term of three years, for the purposes therein expressed, was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*, p. 296.)

Apr. 9, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of a bill for granting to his Majesty certain rates and duties upon coffee, tea, and chocolate, and other goods and merchandizes therein mentioned, for the term of three years, for the purposes therein expressed. . . .

Sir Tho. Littleton reported from the committee, that they had gone through the bill, and made several amendments; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning. (*Ibid.*, p. 298.)

Apr. 9, HL. The Earl of Bridgewater reported from the committee, the bill, intituled, An act for reversing the attainder of Jacob Leisler and others, as fit to pass, with some amendments.

Which, being read twice, were agreed to; and the bill ordered to be engrossed. (*L. J.*, XV. 534.)

Apr. 10, HL. *Hodie 3a vice lecta est billa*, intituled, An act for reversing the attainder of Jacob Leisler and others.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Mr. Holford:

To carry down the said bill, and desire their concurrence thereunto.⁵¹ (*Ibid.*, p. 535.)

Apr. 10, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom the bill for

⁵⁰ This act, 6-7 Gul. III. c. 7, embodied the provisions of the resolutions, passed Apr. 3. *Statutes*, VI. 584.

⁵¹ *C. J.*, XI. 299. Sir Robert Legard took Holford's place as messenger.

granting to his Majesty certain rates and duties upon coffee, tea, and chocolate, and other goods and merchandizes therein mentioned, for the term of three years, for the purposes therein expressed, . . . ⁵² the amendments, made by the committee to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House: and some other amendments were made by the House to the bill. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, XI. 299.)

Apr. 11, HC. An ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 300.)

Apr. 11, HC. An ingrossed bill for granting to his Majesty certain rates and duties upon coffee, tea, and chocolate, and other goods and merchandize therein mentioned, for the term of three years, for the purposes therein expressed, was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for the transport-service for the reduction of Ireland.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.⁵³ (*Ibid.*)

Apr. 11, HL. *Hodie 1a vice lecta est billa*, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for the transport service for the reduction of Ireland. (*L. J.*, XV. 537.)

Apr. 12, HL. *Hodie 2a vice lecta est billa*, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for the transport service for the reduction of Ireland.

Ordered, that the said bill be committed to a committee of the whole House, on Monday next, at ten of the clock in the forenoon.⁵⁴ (*Ibid.*, p. 538.)

Apr. 12, HC. An ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, was read a second time.

Resolved, that the bill be committed to Sir Henry Ashurst, Lord Cornbury, Mr. Clark, Mr. Holt, Sir Rowland Gwynn, Sir Fra. Drake, Colonel Perry, Sir Edward Phelps, Sir Hen. Hobart, Mr. Osborne, Mr. Christie, Sir Jos. Tredenham, Sir Wm. Cooper, Mr. Brockman, Mr. Gerard, Sir Ra. Dutton, Sir Matth. Andrews, Mr. Colt, Mr. Onslow, Mr. Dryden, Mr. Bulkley, Mr. Mawdit, Sir Jona. Jennings, Sir Robert Cotton, Mr. Frewen, Mr. Arnold, Mr. Fuller, Mr. Freke, Mr. May, Mr. Lutterell,

⁵² Omission indicated in *Journals*.

⁵³ *L. J.*, XV. 536.

⁵⁴ The House acted the next day, Saturday.

Sir Cha. Bloys, Mr. Waller, Mr. Blofeild, Mr. England, Mr. Bertie, Mr. Hedger, Mr. Blathwaite, Mr. Harley, Lord Marquis Winton, Mr. Foley: and they are to meet to-morrow at five of the clock in the afternoon, in the Speaker's Chambers. (*C. J.*, XI. 301.)

Apr. 13, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for the transport service for the reduction of Ireland.

After some time, the House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for the transport service for the reduction of Ireland.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.⁵⁵ (*L. J.*, XV. 538.)

Apr. 16, HC. Sir Henry Ashurst reported from the committee, to whom the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, was committed, that they had examined and considered the same; and had directed him to report the same to the House, without any amendments: and he delivered the same in at the clerk's table. (*C. J.*, XI. 304.)

Apr. 17, HC. A motion being made, for the re-commitment of the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others;

Ordered, that the said bill be re-committed to the same committee: and they are to meet to-morrow at five a clock in the afternoon, in the Speaker's Chamber:

And that Mr. Blathwait, Lord Cornbury, Lord Marquis Winton, Mr. Bridges, be added to the said committee.⁵⁶ (*Ibid.*, p. 306.)

Apr. 18, HC. Ordered, that the committee, to whom the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, is committed, have power to send for persons, papers, and records. (*Ibid.*, p. 309.)

Apr. 22, HC. Ordered, that all that come to the committee, to whom the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, is re-committed, have voices. (*Ibid.*, p. 312.)

Apr. 24, HC. The committee⁵⁷ met and the secretary of the Court of Admiralty produced the depositions and other papers sent from New York. Then the committee proceeded to examine such persons as opposed the bill, *viz.*

⁵⁵ The royal assent was given Apr. 22. *Ibid.*, p. 561.

⁵⁶ All but Bridges were named on the original committee.

⁵⁷ On the bill for the reversal of the attainder of Jacob Leisler and others.

*Mr. Dudley*⁵⁸ saith that he had no notice of this bill untill he saw it in the votes. That the persons to be restored are foreigners the one a german and the other a frenchman and so have no right to be restored.⁵⁹ Saith that Colo. Nicholson was the lieut't govern'r at the time that the bill suggested Leisler was commander in chief. That the king's letter was directed to Colo. Nicholson or to such persons as had the command there. That Capt'n Leisler was in the fort before Colo. Nicholson arrived. That Major Ingoldesby arrived before Mr. Dudley arrived and that he informed Leisler that Colo. Slaughter was coming but Leisler refused (to) admit him. (N. Y. Hist. Soc., *Collections*, 1868, pp. 348-349.)⁶⁰

Apr. 25, HC. That Colo. Nicholson was governor there at the time of the revolution.⁶¹ That the government was in the prince and princess of Orange. That Capt'n Leisler entered the fort and turned out Nicholson and about 30 soldiers. That the day after Nicholson went away Leisler entred. That he imprisoned severall that were of the kings councill.⁶² That he broke the peace and laws and committed great abuses by taking away goods from the people, he thrust Nicholson out of the castle and put severall of the councill into the dungeon. That Major Igoldesby arrived about six weeks before Colo. Slaughter and came and shewed his commission and desired entrance and that Maj'r Igoldsby had two comp'ies of grenadeers. That upon the 16th of March 1691 Capt'n Leisler set out a paper to let them know that if the soldiers would not depart from the town he would beat the town about their ears.⁶³ That Gouverneur shot a poor man dead being the parish clerk.⁶⁴ That he saw a poor carter shot and another shot through the thigh. That Colo. Slaughter sent Maj'r Ingoldesby to demand the fort, who answered that there was no room for Slaughter. That he sent a 2d time to demand the fort and received the same answer, but at last would admit him if he would come in blindfold. The 3d time he went to demand the fort and that he had the same answer. But the next day Capt'n Slaughter put out a paper to indemnify such as would quit the fort and thereupon they came out of the fort and about 20 seized him and delivered him up to Colo. Slaughter. That a commission of oyer and terminer was issued out to twelve gent'n whereof he was

⁵⁸ See note 42, *ante*. Dudley's part in these proceedings was condemned and is believed to have blasted his hopes to succeed Sir William Phips as governor of Massachusetts (Kimball, *Public Life of Joseph Dudley*, pp. 67-68). The author of *Loyalty Vindicated* says that Dudley's "Cobb-Webb Eloquence was too thin to put a veil over so black an Action, as created horreur in the minds of that Honorable and Numerous Committee; who reported the matter fully to the House . . ." Andrews, *op. cit.*, p. 395.

⁵⁹ Leisler, the elder, was born in Frankfort; Gouverneur was of French descent, though he spent much of his early life in Holland.

⁶⁰ From the Du Simitiere collection of copies of papers then in the hands of the Leisler family. N. Y. Hist. Soc., *Collections*, *loc. cit.*, pp. 239-240.

⁶¹ Whether this is a continuation of Dudley's testimony or the examination of another witness is not stated, though it is probably the former, since the speaker states below that he was one of the justices commissioned for the trial.

⁶² Nicholas Bayard, William Nicolls, and others. See *Doc. Hist. N. Y.*, II. 60; *Cal. St. P. Col.*, 1689-1692, pp. 202, 248, 265.

⁶³ Printed in *Doc. Hist. N. Y.*, II. 340-345.

⁶⁴ Gouverneur was the town clerk (*ibid.*, p. 349). At his trial he was found guilty of murdering an old man passing peaceably along the street. Andrews, *op. cit.*, p. 369.

one⁶⁵ and was eight days before the court and refused to plead upon which judgment was passed against him. That Colo. Slaughter gave him a reprieve for 10 days in all which time he never submitted to Colo. Sloughter. That Colo. Fletcher sent out a warr't to apprehend Gouverneur as a disturber of the peace. That Colo. Sloughter lay at anchor at the time when this disturbance happened. That Colo. Nicholson was turned out by Leisler and the rabble and he came into England and submit[ted] to his Maj'ty.

Q. What day Colo. Slaughter came to anchor.

Ans. Saith that the day after the people were killed in the town.⁶⁶

Q. When he landed.

Q. Whether Colo. Sloughter opened his commission before he landed.

A. Knows not.

Q. Whether he was present when his commission was read.

A. That he was present and heard it read.

Q. Whether (after the publication of his commission) Leisler refused to deliver the fort.

A. That he denied it three times and held up his hat and saith there was no room for Sloughter.

Q. Whether he was present when Ingoldesby demanded the castle of Leisler.

A. He was the third time.

Q. Whether De la Noy⁶⁷ and Milborne did not come out to offer the fort to Colo. Sloughter.

A. That De la Noy and Milborne did not come to offer any such offer.

Mr. Anthill:⁶⁸ That he was Mr. Milborne's council and that there was an indictment ag'st Gouverneur for killing the parish klerk wch. he saw and this was about 4 days before Colo. Slaughter arrived.

Q. Whether Leisler refused to plead when he was tryed.

Ans. That when they were called to plead they say they could not submit to Colo. Slaughter com'n. That Leisler and Milborne objected ag'st Mr. Dudley and said that he was not a competent judge.

Q. Whether any question was put to the court by them wch. they desired to be resolved before they pleaded.

Ans. That there was a paper delivered to the court, but he knew not the contents.

Q. Whether all was ordered to withdraw upon the delivery of the paper.

Saith yes.

Mr. Dudley when they came the second time they refused to plead and the[y] offered a paper and that the contents of the paper was that they desired to be tryed in England.

⁶⁵ Joseph Dudley; see notes 42, 44, 61, *ante*.

⁶⁶ Sloughter arrived in New York, Mar. 19, 1690/1, and was administered the oath as governor the same day. *Cal. St. P. Col.*, 1689-1692, pp. 396, 398-400; *Docs. relative to Col. Hist. N. Y.*, III. 756, 759-761; *Doc. Hist. N. Y.*, II. 358.

⁶⁷ Peter Delanoy, mayor, collector of the revenue, and judge during Leisler's administration. *Ibid.*, pp. 35, 48, 61.

⁶⁸ Edward Antill, whose name appears frequently in the papers bearing upon Leisler's career.

Q. What was the reason the people was ordered to withdraw. (N. Y. Hist. Soc., *Collections*, 1868, pp. 349-351.)

Apr. 26, H.C. The committee met and Mr. Povey⁶⁹ produced a letter from the councill at New York to the Lord Shrewsbury.

Adj'd till 6 in the afternoon.

Post meridiem. Mr. Anthill saith in April '89 they had an account of the p[rin]ce of Orange was landed in England whereupon Collo. Nicholson called a councill. A shipp arrived there laden with wines and that there was a duty of 4 p's⁷⁰ a pipe to the government but Leisler refused to pay it, but got the wines into cellars and upon this the rabble was up and Leisler took the fort and put out all the souldiers and afterwards Leisler sent out some people in arms to demand the keys of the fort. That he after joined w'th a parcel of people wch. he called his counsell and issued out warrants to apprehend several of the king's council. That he issued out orders to command all who had commissions in the former government to surrender their commissions to him and some refusing he put in prison several of them.

Q. Whether he was appointed Mr. Leisler councill.

Ans. He was. That one Milborne afterwards arrived from Holland who was made one of Leisler councill he gave information that the Pr. of Orange was landed in England and he encouraged the insurrection there. That he said he was sorry that they left Nicholson go away to England. That Leisler declared himself vice admiral of the seas and granted commissions to several. That upon the arrival of Major Ingoldsby the governour was gone to Bermudas and demands entrance into the fort for his himself and soldiers and that Leisler refused and issued out a proclamation that whoever should adhere and assist Colo. Ingoldsby should be declared enemies.⁷¹ That he raised rebellion there and several people were shot to death others wounded and some others imprisoned. That when Colo. Sloughter arrived he with the whole council went into the Stadt House and his comm'on was read and he was sworne and then he sent Colo. Ingoldsby to demand the fort who made answer that he would call a councill and consider of it and so Colo. Ingoldsby came and demanded the fort three times.⁷² That that night several of Leisler men deserted and the next day Colo. Ingoldsby came to the castle and the gate was thrown open and Leisler stood at the head of his men and Colo. Ingoldsby bid them lay down their arms.

Q. Mr. Nicholson at any time refuse to declare for the Prince of Orange.

Ans. He never did. He saith that Leisler seized the fort before Nicholson went off. Nicholson lay severall days at Frederick Phillipse's⁷³ house

⁶⁹ John Povey, secretary of the Lords of Trade, before the committee on the Leisler bill. The letter here referred to is printed in *Docs. Col. Hist. N. Y.*, III. 585.

⁷⁰ Pounds. The measurement of the pipe was variable.

⁷¹ For Leisler's protests and proclamations against Ingoldsby, see *Doc. Hist. N. Y.*, II. 320-326, 340; N. Y. Hist. Soc., *Collections*, 1868, p. 396.

⁷² See note 66, *ante*.

⁷³ Member of the New York council. He came to America from Friesland, becoming one of the richest men of the city. See Andrews, *op. cit.*, p. 326 n.

after Leisler seized the fort. Saith that he seized the fort in the name of the prince of Orange.

Q. Whether the man which was killed from the was was (*sic*) before Colo. Sloughter landed.

Ans. It was before he landed.

Q. Whether there was any acts of hostility committed by Colo. Ingoldsby.

Ans. Saith that some guns were discharged.

Q. Whether any guns was planted against the fort.

Ans. Saith there was.

Q. Whether the fort fired upon the town or the town against the fort.

Saith the fort fired upon the town first.

Q. Whether Major Ingoldesby shewed Leisler his comm[ission].

Ans. He cannot tell but he heard him say he had.

Q. Capt. Leisler did not offer to Colo. Ingoldesby a kind reception for him and his men.

Ans. He never heard he did.

Q. Whether a shot came from town at one of Leisler men in a boat.

Ans. He did hear there was a man shot in a boat.

Q. What day did Leisler's proclamation come out.

Ans. It was as soon as ever Ingoldsby landed, resolutions received.

Q. Whether these resolutions were after Capt'n Leisler was tryed or before.

Ans.

Q. Whether those that made these resolutions . . . ⁷⁴

Mr. Farwell ⁷⁵ that he arrived at New York in March about a week before Colo. Sloughter. That a com'on of oyer and terminer was issued out to try Leisler and others. And Leisler and Milborne were arraigned and they refused to plead saying they had no power to try them but desired to be sent into England. That Capt'n Leisler desired before he pleaded to have his comm'on read. But the court said if he would plead that comm'on and whatever else he had to offer to be read.

Q. Whether they were tryed upon one or two indictments.

Saith it was upon two indictments. That there was a petition exhibited to the councill and a hearing for severall days. And upon the petition the councell made a report that Leisler and Milborne was executed according to law.⁷⁶ Saith that he hath seen a proclamation of warr under Capt'n Leisler and Milborne's hands declaring warr ag't Ingoldsby and all his adherents. And alsoe a letter writ by Leisler directed to one Brazier ⁷⁷ wherein he had a design to destroy the whole town.

Adjourned till tomorrow morning eight o'clock. (*Ibid.*, pp. 351-354.)

Apr. 27, HC. The committee met and adjourned till 4 in the afternoon.⁷⁸ (*Ibid.*, p. 354.)

⁷⁴ Omission in original.

⁷⁵ George Farwell, one of the attorneys who conductd the Leisler trial. *Ibid.*, p. 171 n.

⁷⁶ Printed in *Docs. Col. Hist. N. Y.*, III. 827.

⁷⁷ Abraham Brazier, who was also convicted of treason but later pardoned. See *ante*,

p. 114.

⁷⁸ No further account is given of this day's proceedings on the Leisler bill. See next entry.

Apr. 29, HC. The committee met and Mr. Dudley appeared.

Q. Was asked Mr. Dudley how Mr. Anthill came to be Mr. Leisler's council.

A. Mr. Leisler made choice of him.

*Capt. Foster:*⁷⁹ Saith that Leisler was in possession of the fort when he came there. That he had laine at New York for six weeks very quiet. That there was a complaint that some of Colo. Ingoldsby's souldiers, had committed abuses in the town, for which complaint was made whereupon Colo. Ingoldsby appointed soldiers to walk the rounds for which Leisler was offended. That afterwards there was a disturbance happened and some guns was discharged from the fort and some from the town against the fort. That there was no disturbance for a month or six weeks after Colo. Ingoldsby came. That when he landed he heard people say that Leisler was capt'n general or governor.

Q. What council was it came aboard to Ingoldsby.

A. They were designed to be of Col. Slughter.

Q. How Colo. Leisler behaved himself after Colo. Slughter arrived.

A. When he arrived he went to the Stadt House his comm'on read and he was sworn and sent to demand the fort.

Q. Whether Leisler delivered the fort peaceably.

A. The gates was opened the next morning and the fort delivered.

Q. The patroll was sent out by Capt'n Leisler or Colo. Ingoldsby.

Ans. Saith it was sent out by Colo. Ingoldsby.

Q. Who he tooke to be the chief commander before Colo. Slughter arrived.

Ans. Leisler was esteemed by some to be the chief governour.

Q. Whether after Ingoldsby came those who were the council for Slughter opposed.

Ans. They did not oppose.

*Council for Leisler:*⁸⁰ Saith that if Capt'n Leisler was constituted chief governour by the people then he committed no treason. That what Colo. Dudley has offered has been nothing to the purpose. That Colo. Slaughter landed the 19th and the indict[men]t sets forth the treason committed the 17th and therefore the indict[men]t void. That Nicholson refused to proclaim K. Wm. and Q. Mary.

*Mr. Gouverneur:*⁸¹ That he was in N York when news came that K. Wm. was landed in England. That he was one that was appointed to go the rounds and he said Nicholson was drawing (*sic*). That Leisler was appointed governor of the fort by the government. That Colo. Ingoldsby arrived and sent to demand the fort and Capt'n Leisler answered that if he had any authority he should have the fort. That he found a protestation issued out by Ingoldsby to excite people to raise arms. That he see severall guns planted by Ingoldsby people. That severall guns was dis-

⁷⁹ His name is not found in the many documents relating to this affair. A Richard Foster, commander of the *John and James*, petitioned for payment of supplies brought to New York at this time. O'Callaghan, *Cal. Hist. MSS. N. Y.*, II. 203; *Cal. St. P. Col.*, 1689-1692, pp. 46, 400.

⁸⁰ Antill.

⁸¹ See note 38, *ante*.

charged both from the fort and from the town. March the 19th Major Ingoldesby came to the fort and demanded entrance and was admitted and Ingoldesby told Leisler that Colo. Sloughter demanded the fort and Leisler answered that if Colo. was arrived and would show his commission he was willing to surrender his fort. That when the fort was delivered Capt'n Leisler was seized and about 27 more and were committed to prison eight days before a mittimus⁸² was made. That when they came upon his tryal he was told he had a way to save his life that if he would that Leisler set him on (*sic*).

Q. How long he lay in prison.

A. 17 weeks and odd days.

Q. How came he out.

A. Colo. Fletcher let him out by the queen's letter.⁸³ When Colo. Fletcher arrived he was in prison and he petitioned him and he was called up before him and asked how he dared to pet[itio]n him, he ought to be hanged and he should be hanged if he did not acknowledge his offence whereupon he was forced to petition the council.⁸⁴

Mr. Leisler:⁸⁵ That upon the 31st of May the capt'ns of the militia took possession of the fort and afterwards a gen'l assembly was called and they chose Capt'n Leisler commander in chief. In Jan'y Ingoldesby arrived and demanded possession of the fort from Capt'n Leisler who said if they had any authority he would deliver it. That he saw several guns planted against the fort. That when Colo. Sloughter arrived he sent Ingoldesby to demand the fort and Capt'n Leisler sent two, *viz.*: Milborne and De la Noy to see whether Colo. Sloughter was come but they never come back. That he was sent to prison and remained 6 days without a mittimus. (N. Y. Hist. Soc., *Collections*, 1868, pp. 355-357.)

[Apr. 24-29], HC. An Answer to the Reasons against Leisler's Bill.⁸⁶

Humbly offered to the consideration of the Honourable House of Commons.

The preamble of the said bill affirms these particulars: *viz.*:

1st. The inhabitants of New York in their general assembly constituted Capt'n Jacob Leisler their commander in chief, till their Majesty's pleasure should be known therein.

2d. that the said Capt'n Leisler was afterwards confirmed in the said command by his Majesty's letter, dated July 30, 1689.

3d. that the said Capt'n Leisler having the administration of the said government by virtue of the said power and authority so given and confirmed to him as aforesaid; and being in the exercise thereof, Cap. Ingoldesby in January, 1690 did demand of the said Leisler, possession of the

⁸² A warrant authorizing imprisonment.

⁸³ His petition to the queen is printed in N. Y. Hist. Soc., *Collections*, 1868, p. 333. For the order for his release, see *ibid.*, pp. 333-334, and *Acts P. C. Col.*, II. 204.

⁸⁴ For his petition to Fletcher see *Doc. Hist. N. Y.*, II. 413.

⁸⁵ Leisler left, besides his widow, this only son and six daughters. In 1702 the New York assembly, at the suggestion of the Earl of Bellomont, who had been made governor through the influence of the Leisler party, voted an indemnity of £2700 to the heirs. Andrews, *op. cit.*, p. 357; N. Y. Hist. Soc., *Collections*, 1868, pp. 418-423.

⁸⁶ Note in original: "Annexed to a printed Act for Reversing the Attainder of Jacob Leisler and others, I found the following printed on the same sheet. [Du Simitiere]."

fort at New York, without producing any legal authority for such demand; but the said Leisler (pursuant to the trust in him reposed) refused to surrender to the said Capt'n Ingoldsby the said forts, and kept possession thereof till March then following.

4th. that in the said month of March, Coll. Henry Slaughter (being by their Majesties constituted cap'n general, and governor in chief of the said province) arrived at New York; and as soon as Capt'n Leisler had received certain notice of his arrival, he took immediate care for delivering up the said fort to the said Coll. Slaughter's order, which was accordingly done very early the next morning.

5th. That the said Capt. Leisler, Jacob Milbourn, Abraham Gouverneur and several others, were at New York arraigned, convicted and attainted of high treason and felony, for not delivering the possession of the said fort to the said Richard Ingoldsby: and the said Leisler and Milbourn were executed for the same.

The reasons against this bill pretend, that all the said particulars are mistaken in matter of fact, as appears by the records of that province.

Ans. Were all records in fact true, and never in Parliament to be contradicted, no attainders would ever be there reversed: but for the gentleman who opposed this bill,⁸⁷ to produce copies of records (if any such can now be produced) to prove the truth of the crimes, *viz*: the treason, felony, etc. mentioned in the records, in this he would prove a thing by itself, but the falsity of those facts is the thing in the bill complained of, and for which reason his present maj'ty was graciously pleased to give his royal leave, for the bringing this bill into Parliament.

The state of the case, (as it was proved at New York) is particularly thus, *viz*: When Capt'n Nicholson in Feb'y 1688 was lieut. gover'r of New York, he had an account by Andrew Greverard,⁸⁸ that his present Majesty was arrived in England: whereupon the said Capt'n Nicholson shew'd a great dislike to that news, and would do nothing in favor of then Prince of Orange's interest. Some time after, Capt'n Nicholson was informed by persons that came from New England, that such as were well affected to the protestant interest, had seized Sir Edmund Andross the then governor of New England and New York, etc. and some others in authority under him, and declared for the then Prince of Orange. As soon as Capt. Nicholson received the news from New England, he turned the guns in the fort upon the town, and called a council of civil and military officers, in which council he then produced his commission from King James and declared he would stand by that commission and at the same time he without giving any publick notice to that council, privately dispatched a messenger for England. Some short time after this the militia and inhabitants of New York, who were well affected to the protestant interest unanimously took and seized upon the fort and demanded of Capt'n Nicholson the keys thereof; which he did thereupon deliver. The militia and other inhabitants thus in arms declar'd for the then Prince of

⁸⁷ Dudley.

⁸⁸ Andries Greveraet arrived at New York from Virginia with his vessel, Feb. 5, 1688/9. See his affidavit concerning this incident in *Docs. Col. Hist. N. Y.*, III. 660.

Orange and protestant interest: and the captains of the militia (of which Capt'n Leisler was one) by turns commanded in the fort. Some time after this Capt'n Nicholson being at New York, (but not acting in the government then as before, under the command of the militia) there came news that King William and Queen Mary in England were declar'd King and Queen of England etc. Soon after which Capt'n Nicholson left New York.⁸⁹

The militia having (as before observed) the government in their hands, and by some ships (but not from authority) receiving the proclamation, wherein the king and queen were proclaimed, the captains and inhabitants proclaimed K. W. and Q. M.⁹⁰ and thereupon writ circular letters to all parts, to chuse representatives for a general assembly upon that juncture, which was accordingly done, and in June, 1689, that assembly met, and constituted Capt. Leisler captain of the fort, for their Majesties' service till order from their Majesties.

In August then following, that assembly met again; and then constituted the said Capt'n Leisler commander in chief of the whole province, till his majesty's pleasure should be known in the premises.

In the month of December, 1689, Capt. Leisler being as above commander in chief, there was brought to New York a letter from his majesty, thus directed, (*viz.*) to our trusty and well beloved Francis Nicholson, esq'r our lieut't gov'r and commander in chief of our province of New York in America. And in his absence to such as for the time being, take care for preserving the peace and administring the laws in our said province of New York in America.⁹¹

When this letter thus directed was brought to the fort at New York, Mr. Frederick Phillips⁹² and some others that were of Capt. Nicholson's council (whilst he had the government) demanded from the messenger the said letter, which he refused, telling them that he would not be hanged for any of them. But the said messenger told Capt'n Leisler that if he would demand it, and give a receipt for the same, he should have the letter, which Capt'n Leisler agreed to, and thereupon received the said letter.⁹³

By virtue whereof he did continue in the said government till Coll. Slaughter's arrivall.

All this was particularly proved at New York in July last before the commissioners appointed by the Court of Admiralty; the attorney general of New York, three of the council, the mayor of New York, and three others being the commissioners that took these depositions, when all per-

⁸⁹ After going on board to make his departure Nicholson was said to have drunk the king's health "with a figure J" (for James). *Doc. Hist. N. Y.*, II. 47.

⁹⁰ King William and Queen Mary.

⁹¹ Printed in *Docs. Col. Hist. N. Y.*, III. 606.

⁹² See note 73, *ante*.

⁹³ The messenger was John Riggs, who, in 1688-1689, was a petty officer of a company stationed in Maine. At the outbreak of the revolution he was made prisoner but was released to carry despatches between New York and England. (*Cal. St. P. Col.*, 1689-1692, p. 419.) Nicholas Bayard, Stephen van Cortland, and Frederick Philipse certified that the letter was taken from Riggs by force. *Ibid.*, pp. 190, 192; *Docs. Col. Hist. N. Y.*, III. 633.

sons whose interest it was to have disproved those particulars were fairly heard.

Whereas it is pretended, that all but about 30 deserted Capt. Leisler that night Coll. Slaughter arrived at New York, and the next morning the rest delivered up Capt. Leisler prisoner: it is positively to be proved that about 300 that very morning by Leisler's command laid down their arms and then marched out of the fort.

Capt'n Ingoldsby by his commission was obliged to obey such orders as he should from time to time receive from his Maj'ty, and Coll. Slaughter (the governor) or the commander in chief for the time being.

Capt'n Ingoldsby arrived at New York about six weeks before Coll. Slaughter and (as before observed) without producing any authority under Coll. Slaughter's hand demanded of Leisler the possession of the fort.

It's humbly conceived before the arrival of Slaughter within that province, of which he was constituted governour; Capt. Ingoldsby was oblig'd to obey the orders of Capt. Leisler, and not Capt. Leisler subject to the command of Capt Ingoldsby for Coll. Slaughter having not before his arrival at New York, under his hand and seal given any authority to Capt. Ingoldsby to demand that fort (not as is humbly conceived legally could till his arrival within that province) Capt Leisler being the commander in chief at New York. Ingoldsby by his own commission was obliged to obey Capt'n Leisler's orders; so that whereas Leisler and others were tryed, convicted and executed, as traytors for not delivering the fort to Capt Ingoldsby, it's humbly conceived that had Capt'n Ingoldsby (before the arrival of Colo. Slaughter at New York) been arraigned of high treason for laying siege against that fort when Capt Leisler was then there, as before, commander in chief of the province; it might have gone in strictness of law, hard against Capt Ingoldsby, seeing in his so laying siege he waged war against the commander in chief of that province to whose orders (before Coll. Slaughter's arrival) by the express word of his commission he owed subjection. But this very Capt'n Ingoldsby, who with several before Coll. Slaughter's arrival at New York were in arms against the fort, were some of the very judges before whom Capt'n Leisler and the rest were tried, convicted, and condemned as traitors for the (pretended) crimes aforesaid.

As for the murder pretended to be committed by Gouverneur in defence of the fort against Capt. Ingoldsby, if any persons were killed in that defence, before Coll. Slaughter legally demanded the fort, it's humbly conceived that the blood of him and of all others so slain, ought properly and legally to be charg'd against them who were the criminals in that war. And whether the then commander in chief, and such as acted under his command or Capt'n Ingoldsby who (as before observed) acted point blank against the kings commission, were the offenders therein, will soon appear before the honorable members to whose consideration the premises are committed.

The premises considered, it's humbly hoped that this honourable house will now pass the bill, and not oblige those interested in the passing thereof, to summon the persons from New York concerned in the trial of Capt'n

Leisler to shew cause to the contrary, seeing such have already been fully heard before the aforesaid commissioners at New York in July last, when and where the particular narration was fully proved.

The Case of Mr. Jacob Leisler.⁹⁴

That upon the late happy revolution the inhabitants of his Maj'ties province of New York did desire the then lieut govern'r and council to declare for his majesty which was already done at Boston by the inhabitants there, but the same was denied by them Capt'n Nicholson the lieut't governor alledging that he would own no authority but that of the late king and would stand by the commission he had from s'd king as long as he lived, whereupon the inhabitants possessed themselves of the fortress and examined the stores leaving the gov'r to consider whether he would declare for his Majesty, which he did not, and withdrew himself out of the government; the inhabitants thereupon in general assembly appointed Capt'n Leisler first capt. of the fort and afterwards commander in chiefe untill his Maj'ties order should arrive, who caused their majesties authority over said province to be declared and built severall fortifications and so continued till one Mr. Riggs⁹⁵ arrived from England with a warrant from his Maj'ties directed to Francis Nicholson and in his absence to such as for the time being take care for the preserving of the peace and administration of the laws in the sd province. Capt'n Nicholson having in a manner aforesaid deserted the government and Capt. Leisler then commander in chief it was resolved that the execution of the s'd warrant belonged unto him which he accordingly did untill the 28th Jan'y 1690 when Capt'n Ingoldsby arrived from England with some soldiërs who demanded the possession of s'd fort without producing any authority from his Maj'ties, or Colo. Sloughter the then appointed governor from whom he parted at sea and therefore was denied the same untill the gov'rs arrival or his Maj'ties commands; that thereupon the said Ingoldsby together with Mr. Dudley, Philipse, Cortlandt⁹⁶ and others did in a dreadful and hostile assemble to themselves negroes, papists, and other persons and so in a warlike manner arrayed laid close to the s'd fort, Mr. Dudley taking upon him to call to himself some persons which were nominated of the councell to collect and with him to set as a council before they had their warrants for the same or the governor was arrived who did uphold the s'd Ingoldsby in his s'd unwarrantable practices notwithstanding the several declarations and protestations made against them by the s'd Leisler, and so continued in this terrible manner untill the 19th day of March then follo'g when Colo. Slaughter arrived, Capt'n Leisler had no sooner notice thereof (altho' late at night) but sent two gentlemen to congratulate his arrival and offer the fort and govern't to him or their maj'ties governour, but without being heard were committed to the common goal.

⁹⁴ Apparently a part of the above or presented at the same time; see note 99, *post*.

⁹⁵ See note 93, *ante*.

⁹⁶ The mayor removed by Leisler to make room for Delanoy. Leisler ordered his arrest, but he made his escape. Andrews, *op. cit.*, p. 330 n.; *Doc. Hist. N. Y.*, II. 60, 62, 74.

the next morning at sunrise Capt'n Leisler sent a letter to the s'd governor desiring him to send some persons to receive the fort ⁹⁷ which he did but immediately caused s'd Leisler and others to be committed to prison and afterwards indicted for high treason and felony before Joseph Dudley, Capt'n Ingoldsby etc. parties concerned as aforesaid for not having delivered the s'd fort to the s'd Ingoldsby and his associates. Mr. Leisler and Mr. Milborne demanded of the judges whether the authority whereby they had acted was legall or not, which question they desired might be resolved before they pleaded, but they refused to resolve it. ⁹⁸ Mr. Leisler and Milborne thereupon alledged that before it was resolved they could not plead, but did appeal to the kings maj'ties desiring to be sent for England which was refused, and they were by the s'd judges condemned as mutes and afterwards barbarously put to death, the six other persons were in like manner indicted and pleading not guilty were brought in guilty for having assisted Capt'n Leisler as aforesaid, the judges and particularly Mr. Dudley alledging that Leisler had no legall authority at all; ⁹⁹ and inasmuch as his Maj'ty being sensible of the hardship of the case of the s'd Jacob Leisler, Jacob Milborne and Abraham Gouverneur was graciously pleased to give leave to bring the s'd bill in parliament and signed the same before it was brought into the house of Lords, the s'd Jacob Leisler, Jacob Milborne, Ab'm Gouverneur humbly hope the s'd bill will be permitted to pass this honorable house and the rather because by reasons of the oppressions before mentioned they are reduced to such necessities that in case the s'd bill should not pass this session they will not be capable of raising money to pay the fees for passing it another time. ¹⁰⁰ (N. Y. Hist. Soc., *Collections*, 1868, pp. 357-365.)

*Apr. 30,*¹⁰¹ HC. Sir Henry Ashurst reported from the committee, to whom the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, was re-committed, that they had examined and considered the same; and directed him to report the same to the House, without any amendments: and he delivered the same in at the table.

A motion being made, and the question being put, that the bill be re-committed;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Bickerstaff, Mr. Cook: 84.

Tellers for the noes, Sir Walt. Young, Mr. Brockman: 88.

So it passed in the negative.

⁹⁷ Letter printed in *Doc. Hist. N. Y.*, II. 359.

⁹⁸ *Ibid.*, pp. 360-365.

⁹⁹ Here the following note is inserted by Du Simitiere: "At the end of a ruff (*sic*) copy of the above case and mostly in the same words, tho' appears to have been intended (*sic*) for the house of Commons, is the following."

¹⁰⁰ For a list of other documents relating to this act, see *Cal. St. P. Col.*, 1693-1696, pp. 470-471.

¹⁰¹ The king's act for a free and general pardon (6-7 Gul. et Mar. c. 20), this day passed by the Lords, and by the Commons on May 2, excepted from its favor all persons attainted of rebellion in the realm or any of the dominions, also such persons who after conviction of felony desired to be transported to the plantations. *L. J.*, XV. 584; *C. J.*, XI. 331; *Statutes*, VI. 612-613.

A motion being made, and the question being put, that the bill be now read;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Arnold, Mr. Cooke: 85.

Tellers for the noes, Sir Tho. Vernon, Mr. Culliford: 87.

So it passed in the negative. (*C. J.*, XI. 328-329.)

May 2, HC. A motion being made, and the question being put, that the ingrossed bill, from the Lords, intituled, An act for reversing the attainder of Jacob Leisler, and others, be now read the third time;

The House divided.

The yeas go forth.

Tellers for the yeas, Sir Sam. Barnardiston, Sir Walter Young: 49.

Tellers for the noes, Sir Jos. Tredenham, Mr. Hutchinson: 36.

So it was resolved in the affirmative.

The bill was read the third time.

Resolved, that the bill do pass.

Ordered, that Sir Henry Ashurst do carry the bill to the Lords, and acquaint them, that this House hath agreed to the same, without any amendments.¹⁰² (*Ibid.*, p. 331.)

¹⁰² *L. J.*, XV. 587. The royal assent was given May 3 (*ibid.*, p. 589). Parliament was prorogued from time to time until, on October 11, it was dissolved.

WILLIAM III.: THIRD PARLIAMENT.

Session of November 22, 1695–April 27, 1696 (7-8 Gul. III.).

1695.

Dec. 3, HC. The Earl of Ranelagh also acquainted the House, that, according to their address, his Majesty had been pleased to command him to lay before the House an estimate for the next year's service, for the war, in relation to the land-forces: and he delivered the same in at the table: where the same was read; and is as followeth; *viz.*

A list of the land-forces which his Majesty has now in his pay, and which he thinks necessary to be continued and maintained in England, and beyond seas, for the service of the year one thousand six hundred ninety-six; *viz.*

Foot.	Troops and companies.	Commissioned officers.	Non-commissioned officers.	Private men.	Together.	Pay per annum.			Servants allowed.
Colonel Russell's ¹		18	40	500	558	l. 8,988	s. 2	d. 6	29
New-York Companies		13	32	400	445	6,801	3	4	20
Company at the Leward Islands.....	1	3	8	60	71	1,177	2	6	5

Ordered, that the consideration of the said estimate be referred to the said committee of the whole House. (*C. J.*, XI. 345, 347.)

Dec. 3, HL. The House was adjourned during pleasure, and put into a committee to consider of the state of the nation.

After some time, the House was resumed.

And the Earl of Huntingdon reported, that it is the opinion of this committee, that the merchants trading to the East and West Indies and Africa, as likewise the Commissioners of the Customs, do attend this House on Thursday next, at ten of the clock in the forenoon, to give an account wherein the act of Parliament lately made in Scotland, for a company trading to Africa and the Indies,² may be prejudicial to the trade of this kingdom into those parts.

¹For service in Barbados. Resolutions covering these estimates were read *Dec. 14. C. J.*, XI. 363.

²Or Darien Company, the organization of which by William Paterson (*cf.* Insh, in references below), founder of the Bank of England, followed the passage of an act by the Scottish Parliament for the encouragement of foreign trade (*post*, pp. 473-479). The numerous papers produced during this inquiry which continued throughout several months are calendared in *MSS. H. of L.*, 1695-1697, pp. 3-62. The opposition to the Scottish scheme was said to have "well-nigh created a civil war between Scotland and

To which the House agreed; and ordered as follows; (*videlicet*,)

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the merchants trading to the East and West Indies and Africa, as likewise the Commissioners of the Customs, do attend this House on Thursday next, at ten of the clock in the forenoon, to give an account wherein the act of Parliament lately made in Scotland, for a company trading to Africa and the Indies, may be prejudicial to the trade of this kingdom into those parts. (*L. J.*, XV. 603.)

Dec. 4, HC. Sir John Lowther, from the Commissioners of the Admiralty, presented to the House

An account of what men of war have been lost, and cast away; and by what means.

And the titles of the said list and accounts were read.

Ordered, that the said list and accounts do lie upon the table, to be perused by the members of the House.

The Account of what Men of War have been lost, and cast away; and by what Means.

Rates.	Names.	Where.	How.
4	<i>Jersey.</i>	West-Indies.	Taken by the French.
	<i>Norwich.</i>	West-Indies.	Cast away.
	<i>Mordant.</i>	Cuba.	Ditto.
5	<i>Swan.</i>	Jamaica.	Sunk by the earthquake. ³
	<i>Faulcon.</i>	West-Indies.	Taken by the French.
	<i>Conception Prize.</i>	New-England.	Cast.
6	<i>Drake.</i>	Jamaica.	Cast by survey.
	<i>Dunbarton.</i>	Virginia.	Cast by survey.
	<i>Ketches.</i>		
	<i>Deptford.</i>	Virginia.	Cast away.

(*C. J.*, XI. 348, 351-352.)

Dec. 5, HL. The House was adjourned during pleasure, and put into a committee, pursuant to the orders of the third instant.

And, after hearing some of the Commissioners of the Customs, and several merchants trading to the East and West Indies, and others, the House was resumed; and the following order made; (*videlicet*,)

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that on Monday next, at eleven of the clock in the forenoon, this House shall be put into a committee again, to proceed further on the state

England". The English East India Company, after attacking the proposed competing company, was soon put on the defensive by the complaints against it on the part of the English interlopers. For accounts of the Darien enterprise and documents concerning the company, see J. S. Barbour, *History of William Paterson and the Darien Company* (Edinburgh, 1907); Scott, *Joint-Stock Companies*, II. 207-227; Hiram Bingham, "Early History of the Scots Darien Company", in *Scottish Historical Review*, III. 210-217, 316-326, 437-448; G. P. Insh, "Founding of the Company of Scotland trading to Africa and the Indies", *id.*, XXI. 288-295; *id.*, *Papers relating to the Ships and Voyages of the Company of Scotland trading to Africa and the Indies, 1696-1707* (Pubs. of the Scottish Hist. Soc., third ser., VI.); *Darien Papers: being a Selection of Original Letters and Official Documents relating to the Establishment of a Colony at Darien by the Company of Scotland trading to Africa and the Indies*, ed. J. H. Burton (Edinburgh, Bannatyne Club, 1849).

³ June 7, 1692. *Cal. St. P. Col.*, 1689-1692, pp. 651, 711.

of the nation, in relation to the late act of Parliament in Scotland, for establishing an East India Company there. (*L. J.*, XV. 605.)

Dec. 5, HL. House again in committee,⁴ E. Huntingdon in the chair. Then the Commissioners of Customs and merchants were called in.

*Sir Robert Southwell*⁵ heard as to the act. The act gives liberty to trade custom free. When ye consider our trade is clogged with customs, they will undersell us. As to the West Indies, we have officers, and we correspond with the governors. There are some duties paid there. We cannot tell where they will plant. I cannot tell where, without invading the king's property, they can plant or pitch. The merchants named in the act,⁶ if they please to name the place, we can say more.

Sir Patience Ward heard.

The East Indian Company heard by *Dorrington [Doddington]*.⁷ He says the East India Company have drawn up their reasons, and he has heard to them. We must not pretend to go to foreign markets with them. They will undersell us. They will draw off great stocks from us. They will set up a manufacture for English manufactures. They are not accountable to anybody. We pay great taxes. Delivers a paper. . . .⁸

The African Company was heard and delivered a paper. . . .⁹

Mr. Percival heard as to the West Indies.

*Mr. Sam. Shepheard*¹⁰ heard to the East and West India trade. This act is carried on by the present East India Company, several of them being committee men named in the act. By the enlargement of the trade to India we can continue the trade; and this way the act of Scotland will be of little value. If our calicoes and other commodities pay no duty, the customs will fall.

They withdraw. Being called in again, the order was read to Mr. Shepheard, and he was told he might speak to this matter.

This act, he says, was begun by people in England, and they are making lends to several for subscribes, and to me, and I would not subscribe. We pay a subsidy and additional duty. If we draw back all our subsidy, we are on the same foot in Scotland, and we pay no duty. For the business of Africa, I cannot find where they can plant. They cannot bring a Scotch commodity there already.

Answer to Shepheard. There are many places in America not under his Majesty. Instances given.

⁴ On the state of the nation.

⁵ He and Sir Patience Ward, below, were Commissioners of the Customs.

⁶ The act names an English and a Scottish group of directors.

⁷ George Doddington, representing the East India Company.

⁸ The paper, enumerating alleged advantages given to the new company over the old East India Company, is printed in *MSS. H. of L., loc. cit.*, p. 14.

⁹ *Ibid.*, p. 13. It states: "This Scotch Act with respect to the trade of America is so nationally pernicious to us that, when once they have colonised themselves in Plantations in America, our commerce in sugar, cotton, wool, skins, masts, etc. will be utterly lost; for their privileges are such that their nation must be the magazine for all those commodities, and the English Plantations and the traffic thereof lost to us, and the exportation of our own manufacture yearly decreased; and thereby this nation will lose the benefit of supplying foreign parts with those commodities, the want of which, in order to balance our trade, by reason of our losses at sea, is too sensibly felt; and the Act of Navigation, which was designed for the benefit of this nation, will be useless to us."

¹⁰ A merchant engaged in the India trade. *Ibid.*, pp. 21, 32, 34.

Mr. Doddington heard again as to the East India Company, in support of it. If the Scotch company go on, the Scotch pedlars will bring in daily, and the owlers¹¹ and others will fill England. The tonnage of ships. We employ many persons.

Mr. Gardner¹² heard. I take it that the trade of England, Scotland and Ireland, the greater trade they drive, it [is] for the advantage, so each other doth not overbalance to prejudice the other. Want of security. This war hath made other countries endeavour to increase their trade. Securing the trade will be a great encouragement to trade.

Asked if he had subscribed to the Scotch company, he said, no. (MSS. H. of L., 1695-1697, pp. 3-4.)

Dec. 6, HL. The House was adjourned during pleasure, and put into a committee upon the state of the nation in general.

After some time, the House was resumed.

And the Earl of Huntingdon reported, that the committee came to this resolution; (*videlicet*,)

And also, that the House be moved, to order that the East India, Turkey, Africa, and Hamburgh companies, and the West India merchants, and any other merchants, lay before this House an account of the losses they sustained the last year, and from whence they did arise.

To which also the House agreed. . . .

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the East India, Turkey, Africa, and Hamburgh merchants, and the West India and any other merchants, do give this House, on Tuesday next, at ten of the clock in the forenoon, an account of their losses sustained the last year, and from whence they did arise.¹³ (L. J., XV. 606.)

Dec. 9, HL. Then the House was adjourned during pleasure, and put into a committee, to consider further of the state of the nation, in relation to the late act of Parliament in Scotland, for establishing an East India Company there.

After some time, the House was resumed.

And the Earl of Huntingdon reported, that the committee was of opinion, that the House should be moved, that Mr. Robert Blackwood and Mr. James Balfoore do attend this House, and bring with them the books of subscriptions to the East India Company in Scotland; that the Commissioners of the Customs, the East India, Turkey, Africa, and Hamburgh companies, and the West India and any other merchants, be ordered to lay before this House, in writing, what they conceive may be the proper means to remedy the inconveniencies arising by the late act of Parliament made in Scotland, for establishing an East India Company there.

To which the House agreed¹⁴ (*Ibid.*, p. 608.)

¹¹ Smugglers.

¹² John Gardner, London merchant (*ibid.*, p. 43). On Dec. 10 he presented a list of vessels captured by the French while on their way from Barbados, Guinea, and Nevis. *Ibid.*, p. 78.

¹³ The following day the Lords ordered "James Fowlis, James Chélsly, James Smith, Thomas Coutts, Hugh Frazer, Joseph Cohen D'Azevedo, and Walter Stewart", subscribers to the new company, to attend the House on Monday. L. J., XV. 607.

¹⁴ The order was made for the following Thursday, and "Mr. Lancashier, Mr. Robert Douglas, Mr. Thomas Skynner, Mr. Paul Duckmanique, Mr. Anthony Merry, Mr.

Dec. 10, HL. The merchants attending this day, pursuant to the order of the sixth instant, were called in, and delivered, at the bar, several accounts of their particular losses at sea this last year.

Which being read; the orders following were made:

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the New England merchants do lay before this House, on Friday next, at ten of the clock in the forenoon, an account, in writing, when and where the ships mentioned in their paper delivered this day were lost, and what applications they made to the Admiralty for cruizers or convoys, and what was done upon such applications; and that they set down the whole transactions between them and the Admiralty, as particularly as they can.¹⁵

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the subject-matter of the paper delivered this day by Mr. Bayly, being the case of the owners of the ship *Avarilla*, shall be taken into consideration on Thursday next, at ten of the clock in the forenoon.¹⁶ (*L. J.*, XV. 608-609.)

Dec. 10, HL. The following accounts in writing were delivered by the merchants:¹⁷

	£
2. The Barbadoes traders	387,100
3. The New England merchants	114,000
5. John Gardner's losses	13,300 ¹⁸
6. Pennsylvania merchants	11,800
7. Leeward Islands merchants	138,000

The Barbadoes paper was read,¹⁹ and the merchants called in and asked to give account where the ships were lost. The *Content* ship,²⁰ lost at Barbadoes by a hurricane. The *Plymouth*.²¹

Gabriel Glover, Mr. Robert Williamson, Mr. James Deanes, Mr. David Cambell, Mr. Archibald Wilson, Mr. George Mussell, Mrs. Anne Charleton, and Mr. William Pater-son" were asked to attend at that time (*ibid.*, p. 608). An account of the proceedings of the committee here reported is given in *MSS. H. of L., loc. cit.*, pp. 4-5. Many of those mentioned in this and the preceding note were asked concerning the circumstances of their subscribing to the new company, and there was presented a list of all subscribers living in England, together with the preamble to the book of subscriptions.

¹⁵ See next entry. The papers connected with the inquiry into merchants' losses at sea, which began Dec. 6 with the resolution of the committee of the whole House on the state of the nation, are printed in *MSS. H. of L., loc. cit.*, pp. 64-117.

¹⁶ Arthur Bailey, on behalf of the owners of this vessel of 350 tons in the service of the Royal African Company, complained that, leaving Guinea freighted with negroes for Barbados and Virginia, at the former stop in June, 1695, commanders of other vessels in his Majesty's service impressed so many of her men as to make it unsafe to proceed to Virginia; that the master was forced to dispose of his negroes and redeem a sufficient number of his seamen to navigate the vessel back to London; and that he was attacked in the Soundings by two French privateers, which captured the *Avarilla* at a loss to the owners of over £25,000. *Ibid.*, p. 98.

¹⁷ See preceding entry.

¹⁸ Note 12, *ante*.

¹⁹ This itemized account of part of their losses to and from Barbados, Sept. 1, 1694-Sept. 1, 1695, listing 40 vessels, is printed *ibid.*, pp. 76-77, 88.

²⁰ Samuel Snipe, master.

²¹ James Gould, master. Each of these vessels carried 764 hogsheads, the loss being estimated at £25 per hhd.

Where those ships were lost, and what they conceive the reasons are. They delivered a paper which was read.²²

Asked, whether they made applications for cruisers.

Answer, We made application the 26 July.

Another paper was delivered and read. They were ordered to deliver a particular account on Friday next.

Then the New England merchants were called in and were asked the former questions, and ordered to give account in writing on Friday next.²³

Pennsylvania merchants called in.²⁴ They made the same application as the Virginia merchants.²⁵

Leeward Islands read,²⁶ and they called in and asked as before.

Answer, We never made any particular application. We will set down the manner (?) of the loss of every ship.

A paper was delivered from the Jamaica merchants, and read.²⁷ They were called in, as the former, and told they must deliver, on Friday next, the times when and where the ships were taken.

A paper delivered from the Royal African Company, and read.²⁸ They were called in, and told they must set down the time of the loss of the ships. (*MSS. H. of L.*, 1695-1697, pp. 64-65.)

Dec. 12, HL. Upon reading a paper, delivered the tenth instant, concerning the ship *Avarilla*, signed by Mr. Bayly:²⁹

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Mr. Bayly do attend this House to-morrow, at ten of the clock in the forenoon. (*L. J.*, XV. 610.)

Dec. 12, HL. Mr. Blackwood and Mr. Balfoore were heard, in relation to the books of subscriptions for establishing an East India Company in Scotland.³⁰

²² A memorial, asking for better security for the future, in which it was stated: "The losses from the plantations are double to the nation, being all goods that would have been exported to have supplied the army with the proceeds, and kept up the exchange, which is still an addition to our loss; for, if we have not effects to pay our army, the foreigners will have our silver to be sure, for exchange is governed by the balance of trade. . . ." *Ibid.*, p. 77.

²³ A list of twelve vessels was presented, which were lost between Oct., 1694, and Dec. 1, 1695, "no convoy having been appointed for the New England trade during the whole war, but only for the mast ships". *Ibid.*, p. 87.

²⁴ Their account lists three vessels lost, Sept. 1, 1694-Sept. 1, 1695, as follows: *Pennsylvania Merchant*, Samuel Harrison, taken on the coast of Scotland, laden with furs and tobacco; *Friends' Adventure*, Thomas Lucas, from New York, taken near Cape Clear, with cargo of oil, whalebone, logwood, and furs; and the *Industry*, John Thomas, from Pennsylvania, with similar cargo, taken off Portland and Isle of Wight. *Ibid.*, p. 78.

²⁵ *Acts P. C. Col.*, II. 283. The Virginia and Maryland merchants had petitioned for an extension of time to Dec. 31, for their ships to be ready to attend the convoy.

²⁶ Showing fifteen vessels lost on their way home from the Leeward Islands to London, from Sept., 1694, to Oct., 1695. *MSS. H. of L.*, 1695-1697, pp. 88-89.

²⁷ Printed, *ibid.*, p. 79. Their loss was computed at £68,500.

²⁸ *Ibid.*, pp. 79-82, 87-88. The company's losses, many of which attended trade with Barbados, Jamaica, and the plantations, are estimated at £169,890, 16 s., 4 d.

²⁹ See note 16, above.

³⁰ Robert Blackwood and James Balfour were subscribers to the company; for their examination and a copy of the preamble to the book of subscriptions delivered by them, see *ibid.*, pp. 5-6, 15-16.

And the Commissioners of the Customs, the East India Company, and other companies and merchants, having delivered their papers, as ordered: ⁸¹

The House was adjourned during pleasure, and put into a committee, to consider further of the state of the nation, in relation to the late act of Parliament in Scotland, for establishing an East India Company there.

After some time spent therein, the House was resumed.

And the Earl of Huntingdon reported, that the committee was of opinion, that the House should be moved, that an humble address be made to his Majesty, to represent to him, the great prejudice, inconveniencies, and mischiefs, the act for establishing an East India Company in Scotland may be to the trade of this kingdom.

To which the House agreed; and named the following Lords to be a committee, to draw the address; (*videlicet*,)

Dux Leeds, *Ds. Praeses*, *Dux* Norfolk, *Dux* Somerset, *Dux* Bolton, *Dux* Shrewsbury, *March*. Normanby, *Comes* Huntingdon, *Comes* Bridgewater, *Comes* Manchester, *Comes* Stamford, *Comes* Chesterfield, *Comes* Rochester, *Comes* Fauconberge, *Comes* Monmouth, *Comes* Marleborough, *Comes* Scarbrough, *Comes* Torrington, *Comes* Bradford, Viscount Longueville, *Epus*. Sarum, *Ds.* Berkeley, *Ds.* Ferrers, *Ds.* Clifford L., *Ds.* Godolphin, *Ds.* Cholmondeley, *Ds.* Herbert Ch.

Their Lordships, or any five of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*L. J.*, XV. 610.)

Dec. 13, HL. The Earl of Rochester reported from the committee (appointed yesterday to draw an address, to be presented to his Majesty, to represent to him the great prejudice, inconveniencies, and mischiefs, the act for establishing an East India Company in Scotland may be to the trade of this kingdom) the address following; (*videlicet*,)

⁸¹ These papers are printed, *ibid.*, pp. 17-19. The Commissioners of Customs observed as to the West India trade that "the Acts of Trade and Navigation do, in great measure, provide for the security thereof; for that, as the laws of England now stand, none of the enumerated commodities, as tobacco, sugar, cotton-wool, indigo, ginger, fustick, or other dyeing wood, can be shipped at any of the said plantations until sufficient security be first given, in the penalty of 1,000 *l.* for every ship or vessel under 100 tons burthen, and of 2,000 *l.* for every ship or vessel of a greater burthen, with condition to bring the same to England, Wales, or Berwick, and there to unload and put the same on shore, the danger of the seas only excepted, in such shipping as is provided for by the said Acts. Nor can any European goods be exported to any of the said Plantations but what shall be laden in England, Wales or Berwick, and in ships duly qualified and navigated as aforesaid, under the penalty of forfeiture of ship and goods, except salt for the fisheries of New England and Newfoundland, wines of the growth of the Madeiras and Western Islands, or Azores, and servants or horses from Scotland or Ireland, and provisions of the growth or production thereof, respectively. But it may be further necessary that the Governors in the respective plantations, and the several officers employed under them, be awakened on this occasion to put the aforesaid laws in a vigorous execution; and, moreover, that a certain number of vessels of competent force be appointed to cruise on the coasts of America and elsewhere, with suitable instructions to the commanders for seizing, and bringing in as prize, all such ships and vessels as shall be found trading in contempt of the aforesaid laws, or any of them."

John Gardner, the London merchant, proposed as a restraint to the company's West India trade, that no person residing in England should be permitted to be directly or indirectly concerned in the Scottish company, and that the company receive no relief nor assistance abroad from any English colonies or subjects.

We, the Lords Spiritual and Temporal and Commons in Parliament assembled, having taken into our consideration the state of the trade of this kingdom, do find, that, besides many other disadvantages and difficulties it now lies under, an act of Parliament that hath lately received your Majesty's royal assent in your kingdom of Scotland, for erecting a company trading to Africa and the Indies, is likely to bring many great prejudices and mischiefs to all your Majesty's subjects that are concerned in the wealth or trade of this nation: and therefore, in all duty to your Majesty, and the care we ought to have of this kingdom, we do humbly represent to your Majesty, that the said act does provide,

That all ships, vessels, merchandize, goods, and other effects whatsoever, belonging to that company, shall be free from all manner of restraints or prohibitions, and of all customs, taxes, cesses, supplies, or other duties, imposed or to be imposed, by act of Parliament or otherwise, for the space of one and twenty years; and further, that the said company, whose members, officers, servants, or others belonging thereto, shall be free both in their persons, estates, and goods employed in the said stock and trade, from all manner of taxes, cesses, supplies, excises, quartering of soldiers transient or local, or levying of soldiers, or other impositions whatsoever, during the space of one and twenty years:

By reason of which great advantages granted to the Scotch East India Company, and the duties and difficulties that lie upon that trade in England, a great part of the stock and shipping of this nation will be carried thither, and by this means Scotland be made a free port for all East India commodities; and consequently those several places in Europe which were supplied from England will be furnished from thence much cheaper than can be done by the English; and therefore this nation will lose the benefit of supplying foreign parts with those commodities, which hath always been a great article in the balance of our foreign trade: moreover the said commodities will unavoidably be brought by the Scotch into England by stealth, both by sea and land, to the vast prejudice of the English trade and navigation, and to the great detriment of your Majesty in your customs. And when once that nation shall have settled themselves in plantations in America, our commerce in tobacco, sugar, cotton, wool, skins, masts, etc. will be utterly lost, because the privileges of that nation granted to them by this act are such, that that kingdom must be the magazine for all those commodities, and the English plantations and the traffick thereof lost to us, and the exportation of our own manufactures yearly decreased.

Besides these, and many other obstructions that this act will unavoidably bring to the general trade of this nation; another clause in the said act, whereby your Majesty promises, "to interpose your authority, to have restitution, reparation, and satisfaction made, for any damage that may be done to any of the ships, goods, merchandize, persons, or other effects whatsoever, belonging to the said company, and that upon the public charge," does seem to engage your Majesty to employ the shipping and strength at sea of this nation, to support this new company, to the great detriment even of this kingdom.

All which great prejudices, inconveniencies, and mischiefs, arising by the said act, we in all duty and faithfulness lay before your Majesty.

To which the House agreed.⁸² (*L. J.*, XV. 611.)

Dec. 13, HL. After hearing Mr. Bayly this day, concerning a paper delivered by him to this House the tenth instant, intituled, "The Case of the Owners of the Ship *Avarilla*, Burthen 150 Tuns":

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that a copy of the abovesaid paper shall be sent to the Commissioners of the Admiralty; and that they give this House an account, in writing, with all convenient speed, of what they have done upon the matters therein complained of.⁸³ (*Ibid.*)

Dec. 13, HL. The House was adjourned during pleasure, and put into a committee, to consider further of the papers delivered by the East India Company, and other merchants, the tenth instant.⁸⁴

The House was resumed.

⁸² After a conference with the Lords, the Commons agreed to this address (*C. J.*, XI. 362-363). The king's answer was that he had been "ill served" in Scotland, but hoped some remedies would be found to prevent the inconveniences which might arise from the act (*L. J.*, XV. 616). This same day in committee the Jamaica merchants delivered a paper in which the opinion was expressed that it would be some time before the Scottish company could affect the trade of Africa and the West Indies. As remedies to prevent mischiefs that might be done to those trades it was suggested: "That the trade to Africa may be open and free, or in a regulated company like that of Turkey, wherein every trader contributes to the public charge according to the proportion of his trade, whereby negroes will be sold in the West Indies on easier terms, and so all the commodities from thence may be produced cheaper, and by this means all the ports and places in Africa will be so plentifully supplied with all manner of goods that the Scotch Company will find little encouragement to engage in that trade, especially it being considered that the English, having so many plantations, when they miss of gold and teeth (having proper cargoes aboard), can always meet with negroes, which they can always dispose of in the English plantations, especially at Jamaica, an island very convenient for the Spanish trade, from whence the Spaniards supply themselves with negroes, paying for them with gold and silver. These are such advantages above the Scotch that that Company can make no great profit by the trade of Africa. And for the West Indies:—The productions of all the plantations are so very cheap in times of peace, that, though all the difficulties of the first settlements are now over, our sugar works do not frequently produce above 5 per cent. upon the capital laid out upon them, and the same may be said of indigo, cotton, and ginger; that many planters have sold their sugar works for one-half of what they cost. When we began our plantations, the Portuguese in Brazil were the chief makers and vendors of those commodities; but that government laying such high customs, not only upon what they imported, but exported, made sugars, etc. so dear that the great profit the English planters then made gave the first rise to our plantations, and in a great measure lost the trade to Portugal. The best way to prevent any mischiefs from the Scotch Act is to make the trade as easy as may be, and particularly, if hereafter the Scotch make any settlement in the West Indies, that then, whereas upon exportation we now draw back all the several duties, except one-half of the old subsidy, which is no great matter, that that half may be drawn back also." This was signed by Gilbert Heathcote and Bartholomew Gracedieu, agents for the island. (*MSS. H. of L.*, 1695-1697, pp. 19-20.)

A paper was also presented by the Leeward Islands merchants who proposed as remedies, that all inhabitants of the kingdom be forbidden to have any stock or interest in the company, that all duties of East India goods be repaid on exportation, and that the trade to India be made as free as possible. *Ibid.*, pp. 20-21.

⁸³ "On 13 Dec. Mr. Bailey was called to the Bar and asked concerning Capt. Doyley and Capt. Massam's pressing his men. He said it was both the captains that pressed the men. He could prove it, so far as the nature of the case could bear. Moved to appoint a committee to examine into this matter. Ordered that a copy of Mr. Bailey's Paper be sent to the Admiralty . . ." (*MSS. H. of L.*, 1695-1697, pp. 68-69.) Concerning this case, see *ante*, note 16. The Admiralty's answer was read Dec. 17.

⁸⁴ *Ante*, p. 136.

Lords committees appointed by the House, to inspect several papers delivered to this House by the East India Company, and several other merchants, relating to their losses at sea; whose Lordships, having considered of the said papers, are to report to the House their opinion thereupon:

Comes Pembroke, *Ds. Privati Sigilli*; *Dux* Somerset, *Dux* Bolton, *Dux* Shrewsbury, *March.* Normanby, *March.* Halifax, *Comes* Huntingdon, *Comes* Bridgewater, *Comes* Manchester, *Comes* Kingston, *Comes* Rivers, *Comes* Rochester, *Comes* Fauconberge, *Comes* Monmouth, *Comes* Marleborough, *Comes* Torrington, *Comes* Romney, *Ds.* Ferrers, *Ds.* Clifford L., *Ds.* Berkeley Str., *Ds.* Godolphin, *Ds.* Herbert Ch.

Their Lordships, or any three of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please.³⁵ (*Ibid.*, pp. 611-612.)

Dec. 14, HL. The Earl of Rochester reported from the committee, (appointed to inspect the papers delivered in from the East India Company, and other merchants,) . . .

As also several other particulars, as by the orders following appear; (*videlicet*,)

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that a copy of a paper delivered into this House, the thirteenth of this instant December, from the New England merchants,³⁶ be sent to the Commissioners of the Admiralty; and that they, with all convenient speed, give this House an account, in writing, why there were not cruizers in the Channel, as the act of Parliament directs.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that a copy of a paper delivered into this House, the thirteenth day of this instant December, by the African Company,³⁷ be sent to the Commissioners of the Admiralty; and that they (with all convenient speed) do give answers to all the losses therein mentioned, except the two first.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that a copy of a paper delivered into this House the thirteenth day of this instant December, by the merchants trading to Barbadoes,³⁸ be sent to the Commissioners of the Admiralty; and that they, with all convenient speed, give this House an account, in writing, why those ships therein mentioned to be lost in the hurricane were detained, after the time appointed for them to sail, five months, till the season of the year came in which the hurricanes usually happen; and that as to the other sixteen ships, why the said merchants had no convoy, and why the cruizers stayed not in their stations as the merchants desired.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do give answer, with all convenient speed, in writing, how the ship called the *Antegoa Merchant*

³⁵ See *MSS. H. of L.*, p. 65.

³⁶ Printed, *ibid.*, p. 87; see *ante*, note 23.

³⁷ An amended paper, giving additional losses to the ones listed in the account presented Dec. 10. See *ibid.*, pp. 87-88, and note 28, *ante*.

³⁸ *Ibid.*, p. 88; an amended paper, giving additional information concerning the loss of the vessels reported Dec. 10 (*ante*, note 19).

came to be taken, in February, 1694/5, out of Bearehaven in Ireland;³⁹ and what care has been taken of the coasts of Ireland.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do lay before this House an account, in writing, how the cruizers and convoys appointed by the act of Parliament were disposed of this last year, with all convenient speed.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the paper delivered into this House, the thirteenth instant, by the merchants trading to Jamaica, be returned unto them; and that they add thereto the particular times when the ships therein mentioned were lost.⁴⁰

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that on Tuesday next, at eleven of the clock, this House shall be put into a committee, to proceed farther upon consideration of the papers laid before this House by the Commissioners of the Customs, the East India and other companies and merchants, relating to remedies to prevent the inconveniencies which may arise by a late act of Parliament for establishing an East India Company in Scotland.⁴¹ (*L. J.*, XV. 613.)

Dec. 17, HC. Ordered, that leave be given to bring in a bill to continue several former acts to prevent theft and rapine upon the northern borders of England: and that Mr. Bickerstaffe and Mr. Foster do prepare, and bring in, the bill.⁴² (*C. J.*, XI. 364.)

³⁹ This vessel of 200 tons, Captain Perry, was one of the ships reported lost by the Leeward Islands merchants. Its estimated value was £10,000. *Ibid.*, p. 89.

⁴⁰ No reference is made in *MSS. H. of L.* to a paper of this date, but see *ibid.*, p. 79, for the account presented Dec. 10, which was returned for further particulars.

⁴¹ "On 14 Dec., in the Select Committee on the above Papers, they were read. Part of the two Acts relating to cruisers is read. . . . As to the New England Paper, to be sent to them to require their answer to the complaint that there were not cruisers in the Channel, according to the Act of Parliament, most of their losses having happened in the Channel. As to the African Company, to give answer to all the losses therein, except the first two. As to the Barbadoes Merchants, to answer why those eleven ships [the first eleven] were detained five months after the time appointed for them to sail, till the season of the year came in which the hurricanes usually happen. As to the next sixteen (*viz.*, Nos. 20 to 31, 34, and 37 in Paper), why the Barbadoes Merchants had no convoy, and why the cruisers stayed not out in their stations, according to the desire of the Merchants. As to the Leeward Islands Paper, no time being expressed when they had their losses, to be sent back to them to have it further explained. As to the Merchants trading to the Leeward Islands, no application having been made by them to the Admiralty for cruisers, the Paper not to be referred to the Admiralty, save [as] to the *Antigua Merchant*. As to the *Antigua Merchant*, taken February 1694-5 out of Bearehaven in Ireland, how that ship came to be lost, and what care has been taken of the coast of Ireland. Proposed that the House be moved that the Admiralty give account how the cruisers and convoys were disposed the last year. Ordered that Report be made of these particulars to the House." From the Committee Book, *ibid.*, p. 65.

⁴² 7 and 8 Gul. III. c. 17 (*Statutes*, VII. 86), continuing for five years 13 and 14 Car. II. c. 22, 18 Car. II. c. 3, 29 and 30 Car. II. c. 2, and 1 Jac. II. c. 14, each of which carried a penalty of transportation to America. See vol. I. of this series, pp. 336-338, 423. This bill was read Dec. 18, committed Dec. 24, reported Feb. 26, and passed Feb. 29 (*C. J.*, XI. 365, 369, 468, 477). It was read by the Lords Mar. 3, committed Mar. 17, reported and passed Mar. 21, receiving the royal assent Apr. 10 (*L. J.*, XV. 691, 707, 713, 732). The act was further continued by 12 and 13 Gul. III. c. 6, 6 Geo. II. c. 37, and 17 Geo. II. c. 40.

The Commons this day, in a general committee on the state of the nation, appointed a committee to examine into the methods taken for obtaining the act passed in Scotland, for establishing the Company of Scotland trading to Africa and the Indies, who were

Dec. 17, HL. Upon reading a paper, received this day from the Commissioners of the Admiralty, concerning the complaint of the owners of the ship *Avarilla*:⁴³

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty acquaint this House when Captain Doyley is returned into England; and also whether Captain Massum hath been in England lately, or when they expect him.⁴⁴ (*L. J.*, XV. 615.)

Dec. 20, HL. The House was adjourned during pleasure, and put into a committee, upon farther consideration of the state of the nation, in relation to an act lately passed in Scotland, for establishing an East India Company there.⁴⁵

And, after some time, the House was resumed.

And the Earl of Huntingdon reported, as followeth; *videlicet*,

That it is the opinion of the committee, that a bill, or bills, be prepared upon the following heads:

1. That the subjects and inhabitants of this kingdom be discouraged, under severe penalties, from engaging in the stock and management of the Scotch East India Company, established by act of Parliament within the kingdom of Scotland.

2. That all seamen of England, Ireland, or the plantations, be prohibited, under several penalties, from navigating or serving in such merchant ships; and that the ship-wrights and builders of ships, in or belonging to England, Ireland, or the plantations, be likewise restrained, under severe penalties, from repairing into Scotland, or from building any ships for their service within those kingdoms or the plantations. . . .⁴⁶

4. That a bill be prepared, to establish a company trading to Africa, with such powers and privileges as shall be proper to obviate the inconveniencies that may otherwise arise by the Scotch act.

That the Commissioners of the Customs attend this House, to give an account, whether, as the law now stands, there be a sufficient power, in Carolina, Maryland, Pensilvania, and other plantations where there are proprietors, to collect the king's duty there; and whether there be the same security to prevent the inconveniencies that may arise to the proprietors and planters there, from the act of Parliament in Scotland for erecting an East India Company in that kingdom, as there is in other plantations.

the subscribers, promoters, and advisers, and what monies, rewards, or gratuities were offered for promoting the said act (*C. J.*, XI. 365). The report of this committee, Jan. 21, is printed in full, *ibid.*, pp. 400-406.

⁴³ Printed in *MSS. H. of L.*, 1695-1697, p. 98. Captain Doyley was then in the West Indies, first lieutenant of the *Tiger*.

⁴⁴ The Admiralty's answer was received Dec. 19. "They will acquaint the House when Capt. Doyley arrives, and, as to Capt. Massam, if he be captain of a small frigate, it is what they have yet no advice of, no such officer going from hence; but the ships at Barbadoes will be relieved shortly, when he may be in England, about the end of next summer." *Ibid.*

⁴⁵ *Ibid.*, p. 6. But little of the committee's proceedings are given beyond the substance of the resolutions here reported to the House.

⁴⁶ There was also a resolution proposing a bill to establish an English East India Co., with such powers and privileges as might remedy the inconveniencies arising under the Scottish act.

To all which heads the House agreed; and ordered as follows; (*videlicet*,)

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that this House shall be put into a committee, to proceed on the several resolutions now agreed upon, the first day of sitting after Christmas-day.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Customs attend this House, to give an account, whether, as the law now stands, there be a sufficient power in Carolina, Maryland, Pensilvania, and other plantations where there are proprietors, to collect the king's duty there; and whether there be the same security to prevent the inconveniences that may arise to the proprietors and planters there, from the act of Parliament in Scotland for erecting an East India Company in that kingdom, as there is in other plantations.⁴⁷ (*L. J.*, XV. 618-619.)

Dec. 27, HL. Upon receiving this day several papers from the Commissioners of the Admiralty, pursuant to the order of this House of the fourteenth instant:⁴⁸

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said papers shall be taken into consideration on Thursday the second day of January next, at eleven of the clock in the forenoon.⁴⁹ (*Ibid.*, p. 622.)

Dec. 30, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Customs do lay before this House, in writing, (with all convenient speed) an account of the exportations and importations of the trade for three years last past; and that they do forthwith acquaint this House within what time they can give such account.⁵⁰ (*Ibid.*, p. 624.)

1695/6.

Jan. 1, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supply to be granted to his Majesty, for carrying on the war against France, the resolutions of the said committee; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.* . . .

Resolved, that it is the opinion of this committee, that, towards the supply to be granted to his Majesty, for carrying on the war against France, the duties upon all tobacco, granted by an act made in the first year of King James the Second; and since continued to the 24th day of June 1698; be continued further to the 29th day of September 1701. . . .

The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

⁴⁷ The commissioners reported on Jan. 3; *post*.

⁴⁸ *Ante*, p. 141.

⁴⁹ Postponed to Jan. 4. *L. J.*, XV. 627.

⁵⁰ Presented Jan. 3.

Ordered, that a bill be brought in according to the said resolutions: and that Mr. Attorney-General,⁵¹ Mr. Solicitor-General,⁵² Mr. Godolphin, Mr. Serjeant Bond, Mr. England, Sir Chr. Musgrave, Mr. Elwill, Mr. Yates, Mr. Henly, Sir Wm. Scawen, Mr. Bohun, or any three of them, do prepare, and bring in, the bill.

Ordered, that a clause of credit be brought into the said bill. (*C. J.*, XI. 374.)

Jan. 2, HC. A petition of the Royal African Company of England was presented to the House, and read; setting forth, that the trade to Guinea cannot be maintained without forts and castles; which must be supported by a joint stock, by reason of the great charge they require; the company having expended about 20,000 *l.* per annum, for some years past, for that purpose: that they conceive the trade to Africa is of greater advantage to England than to any other nation; because it chiefly exports our woollen and other manufactures, and returns gold, dyeing-wood, etc. and negroes for his Majesty's plantations; and therefore ought timely to be preserved; for that many potent rivals now lie in wait to engross that trade to themselves: that the petitioners have sustained many great losses since the war; and, as an addition thereto, have received an account, that the French had, with six men of war, on 31st July last, attacked and taken the Fort Gambia, wherein was sixty-four pieces of cannon; and had carried off all the effects found in the fort, amounting to a very great sum of money: that, unless the petitioners are supported and encouraged, being now reduced to the last extremity, they cannot longer maintain their forts and factories; and, consequently, the whole trade will be lost to this nation: and praying leave to bring in a bill for preserving and establishing the said trade, according to the charter granted to the petitioners, or with such alterations as the House shall think necessary.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider further of the state of the nation.⁵³ (*Ibid.*, p. 375.)

Jan. 3, HL. The Commissioners of the Customs were called in, and delivered several papers, pursuant to two orders of this House of the thirtieth of December last.⁵⁴

⁵¹ Thomas Trevor, created Baron Trevor in 1712.

⁵² Sir John Hawles until 1702.

⁵³ The desire on the part of the separate traders to have the African trade thrown open to all, and the claim of the company that the success of this trade depended upon the creation of a joint-stock company with exclusive privileges, resulted, in 1698, in the compromise act of 9 Gul. III. c. 26, whereby the African trade was made free for the period of thirteen years to all who would pay the specified charges. See *post*, p. 216; Scott, *Joint-Stock Companies*, II. 21-23; Charles D'Avenant, *Political and Commercial Works* (London, 1771), V. 83 *et seq.*

⁵⁴ The papers presented this day are printed in *MSS. H. of L.*, 1695-1697, pp. 21-25. In the first, the Lords were told that Carolina, Maryland, Pennsylvania, with the three counties of Newcastle, Kent, and Sussex, and other plantations held in propriety, were subject to all acts of trade and other plantation laws, but it was doubted whether these laws were so well executed in Carolina, Pennsylvania, the Jerseys, and Rhode Island as in the other colonies. Further, a letter had been prepared (copy appended, *ibid.*, pp. 22-24), to be sent to the governors of the American plantations looking to the securing of that trade against the designs of the Scottish act.

To the order to present an account of trade imports and exports for the past three years, the commissioners delivered statements from the proper officials to the effect that

Ordered, that the said papers shall be taken into consideration on Monday next. (*L. J.*, XV. 628.)

Jan. 4, HL. The papers delivered by the Commissioners of the Admiralty the seven and twentieth of December last, pursuant to orders of the fourteenth of that month, were read.⁵⁵

Lords committees appointed to consider of the papers this day read, delivered into this House by the Commissioners of the Admiralty the seven and twentieth of December last; whose Lordships have power to send for persons, papers, and records, as they shall think fit; and report to the House:

Ds. Praeses,⁵⁶ *Ds. Custos Privati Sigilli*,⁵⁷ *Dux Devon*, *Ds. Senescallus*,⁵⁸ *Dux Somerset*, *Dux Bolton*, *Dux Shrewsbury*, *March. Halifax*, *March. Normanby*, *Comes Bridgewater*, *Comes Manchester*, *Comes Stamford*, *Comes Kingston*, *Comes Chesterfield*, *Comes Sandwich*, *Comes Essex*, *Comes Anglesey*, *Comes Bathe*, *Comes Craven*, *Comes Feversham*, *Comes Maclesfeld*, *Comes Rochester*, *Comes Abingdon*, *Comes Marleborough*, *Comes Torrington*, *Comes Scarborough*, *Epus. London*, *Ds. Willoughby Er.*, *Ds. Lawarr*, *Ds. Berkeley B.*, *Ds. Ferrers*, *Ds. Brooke*, *Ds. Raby*, *Ds. Vaughan*, *Ds. Clifford L.*, *Ds. Berkeley Str.*, *Ds. Granville*, *Ds. Cornwallis*, *Ds. Godolphin*, *Ds. Cholmondeley*, *Ds. Herbert Ch.*

Their Lordships, or any five of them; to meet on Monday next, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please.

Upon reading this day the papers delivered by the Commissioners of the Admiralty, the seven and twentieth day of December last:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lord Osborne may have a copy of the said papers.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Sir John Houbland one of the Commissioners of the Admiralty, and the secretaries of the Admiralty, do attend the Lords committees (appointed to consider of the papers delivered into this House from the Commissioners of the Admiralty the seven and twentieth of December last) on Monday next, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers. (*Ibid.*, pp. 629-630.)

Jan. 6, HL. At the select committee on the papers delivered by the Admiralty on 27 Dec., L. Ferrers in the chair, the paper marked No. 1 was

it would require much time and labor to prepare a distinct account of the several species of goods exported and imported (*ibid.*, pp. 24-25). The consideration of these papers was postponed to Jan. 7. *L. J.*, XV. 630.

⁵⁵ Answers to the questions referred to the Admiralty, Dec. 14 (*ante*, pp. 141, 144); printed in *MSS. H. of L.*, pp. 89-95. The ships for Barbados and Jamaica, it was explained, were delayed by Orders in Council; that the plantation trade, and particularly that of Barbados, had suffered so much was in a great measure due to the "extraordinary mortality those parts have of late been afflicted with, which not only disabled the men of war from convoying home with the trade at the usual times, or of doing any service whilst there, but some of them from returning at all till they could be supplied with men". Until the merchants sailed in fleets and at stated times, it would be impossible to provide for the security of their ships.

⁵⁶ The Duke of Leeds, lord president of the Council.

⁵⁷ Earl of Pembroke.

⁵⁸ William Cavendish, first duke of Devonshire, lord steward of the household.

read.⁵⁹ On consideration of the first paragraph, it was ordered that the House be moved that his Majesty be applied to that such applications as were made to the Council touching the stop of the Barbadoes fleet on the 19 April 1694 to 7 May following, with account of what was ordered thereupon in Council, may be laid before the House.⁶⁰ Part of the paper delivered in by the Barbadoes merchants 9 Dec. last was read.⁶¹ Proposed that Sir Jo: Houblon be asked why the Barbadoes fleet was detained three months and a half before the 19th of April '94 after it was ready, and why they did not sail after the embargo was taken off. The papers given by the Admiralty, in answer to the order of 14 Feb. the last session, to be here at the next meeting. The order of 14 Feb. 1694, and the Admiralty's answer to it, were read.⁶² The abovesaid report and question are postponed. Ordered that Robt. Heysham, Edward Haistwell, Rowland Tryon, and Stephen Skynner, Barbadoes merchants, do attend on Friday. Sir John Houblon and the two secretaries to the Admiralty are called in. They are asked what years they mean when they say, in their answer to the first question, "August" and "January". Mr. Bridgman says the merchants' paper is confused. It relates to 1694. They desire they may bring a paper with the dates put into it tomorrow. Proposed they be told that their answers as to the cruisers are defective,⁶³ and they have not sufficiently explained their stations, nor how long they were at sea, where they have said "till further orders". That they be directed to give an account of every individual cruiser and convoy, what station employed in, how long continued on that station, and the time of their having been at any time in harbour; and, whatever ship they begin to give account of, they should give an entire account of her service before they speak of any other. Instead thereof, the following order was made and read to them,

Ordered that the Lords Commissioners of the Admiralty do set down in distinct columns the times all the cruisers and convoys of the fleet were ordered to their several services, how long they remained upon them, for what cause they left them, and in what roads or harbours they remained the rest of the time, and upon what occasion; and do send the same to their Lordships with what convenient speed may be. And this account to be given from 1st Sept. 1694 to 1st Oct. 1695.⁶⁴ (*MSS. H. of L.*, 1695-1697, pp. 65-66.)

Jan. 7, HL. The papers delivered by the Commissioners of the Customs the thirtieth of December last were read.⁶⁵

Whereupon, Lords committees were appointed, to consider of the papers delivered into this House, by the Commissioners of the Customs, the thir-

⁵⁹ *Ante*, p. 144, and note 55; this paper is printed in *MSS. H. of L.*, 1695-1697, pp. 89-91.

⁶⁰ On the former date, the Barbados ships not being ready, and particularly the ship that was to carry the governor's goods, the convoy was stopped till further order; on May 7 the convoy was given leave to sail. *Acts P. C. Col.*, II. 235.

⁶¹ Should be Dec. 10; *ante*, p. 136.

⁶² *Ante*, p. 109.

⁶³ Printed in *MSS. H. of L.*, 1695-1697, pp. 91-92, 95-96.

⁶⁴ The committee adjourned until Friday, Jan. 10, but after postponement to Jan. 11, did not meet until Jan. 13. *L. J.*, XV. 630, 638.

⁶⁵ An order was also made that one or more of the Commissioners of the Customs attend the committee here named. *Ibid.*, p. 632.

tieth of December last; whose Lordships, having considered thereof, and heard such persons concerning the same as they shall think fit, are afterwards to report to the House:

Ds. Privati Sigilli, Dux Somerset, Dux Bolton, March. Halifax, March. Normanby, Comes Bridgewater, Comes Manchester, Comes Stamford, Comes Kingston, Comes Anglesey, Comes Bathe, Comes Craven, Comes Feversham, Comes Maclesfeld, Comes Rochester, Comes Marleborough, Comes Torrington, Comes Scarbrough, Viscount Longueville, Epus. St. David's, Epus. Sarum, Epus Bangor, Epus. Petrib., Ds. Bergevenny, Ds. Lawarr, Ds. Berkeley Ber., Ds. Vaughan, Ds. Berkeley Str., Ds. Cornwallis, Ds. Godolphin, Ds. Jeffreys.

Their Lordships, or any five of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*L. J.*, XV. 631.)

*Jan. 8, HL.*⁶⁶ The papers were read. Sir Robt. Southwell and Mr. Clarke⁶⁷ were called in and asked why the officers in Carolina, etc. had not sufficient encouragement for putting the acts of 12 and 15 Car. II. in execution;⁶⁸ and why they did not apply to the Council or Lords of the Treasury for their letter to the governors, etc.; and whether they think not such a letter would be more effectual than their own letter.⁶⁹ Answer: The officers where proprietors are, are so hampered with their partial proceedings that our surveyor is not able to cope with juries and courts, etc. He proposed the sending for the proprietors and admonishing them; and added, we are now preparing a bill for remedying a great many things which the former acts are short in. Our letter is grounded on the authority of the law. The Treasury, if we had applied to them, would have left the writing the letter to us.

They are told they will do well to prepare the bill mentioned by them with what convenient expedition may be; and that they have been wanting in not applying to the Treasury, and in thinking their own letter would be sufficient.

Then it was ordered, that the Commissioners of the Customs do with all convenient speed bring to their Lordships the total of every manufacture exported or imported for every year (by itself) for the last three years, and that they thereby show from or to what country or place the said manufacture was so exported or imported; which may be done without transcribing their books. (*MSS. H. of L.*, 1695-1697, p. 7.)

Jan. 9, HL. The Earl of Manchester reported from the committee, appointed to consider of the papers delivered into this House from the Commissioners of the Customs, that it is the opinion of that committee, that the Commissioners of the Customs do make up an account every year of all the branches of the trade of this kingdom, outwards or inwards, to the

⁶⁶ In the committee appointed the previous day.

⁶⁷ Southwell and Samuel Clarke were Commissioners of the Customs.

⁶⁸ 12 Car. II. c. 18, 15 Car. II. c. 7—the navigation acts of 1660 and 1663. See vol. I. of this series, pp. 277, 312.

⁶⁹ Draft of a circular letter to be sent to the plantation governors, printed in *MSS. H. of L.*, pp. 22-24; *ante*, note 54.

end a perfect and particular balance of the said trade may appear; and the said account to be ready to be laid before this House when called for.

To which the House agreed; and ordered as followeth; (*videlicet*,)

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Customs do make up an account every year of all the branches of the trade of this kingdom, outwards or inwards, to the end a perfect and particular balance of the said trade may appear; and the said account to be ready to be laid before this House when called for.⁷⁰ (*L. J.*, XV. 634.)

Jan. 9, HC. Mr. Attorney-General, according to order, presented to the House a bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France: and the same was received.⁷¹ (*C. J.*, XI. 383.)

Jan. 10, HC. A bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco and East-India goods, and other merchandize, for carrying on the war against France, was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 385.)

Jan. 13, HL.⁷² Sir John Houblon and the secretaries of the Admiralty are called in. Sir John Houblon delivers in a paper more exactly drawn (as to the dates) touching the Barbadoes merchants, etc., which is read. He desires the paper No. 1, delivered into the House 27 Dec. last, may be given him back, this being the same, only amended in the dates.⁷³ The Barbadoes merchants are called in. The above-mentioned paper is read again.

Sir John Houblon says, in '94 the *Tiger* came out with twenty-four merchant ships. Near Bermuda they met with a hurricane. Ten merchant ships were lost. The *Tiger* returned to Barbadoes to be repaired.⁷⁴ In April the *Tiger* came out with twenty ships, and they came safe. Those that come without convoy, both while the *Tiger* was repairing and after she came away, were lost. When the convoys will be ready for them now? That should have been so 1st Jan. When they desired a longer time, we were forced to take off one of their convoys for the king's service. One that is to go with them in its place will be ready in two or three days. There is nothing wanting but a few men, which order is given for. (This is for the Virginia merchants.) The convoy was ready according to the

⁷⁰ *Post*, pp. 151, 153.

⁷¹ 7 and 8 Gul. III. c. 10 (*Statutes*, VII. 69), which, *inter alia*, continued until Sept. 29, 1701, the duties on tobacco granted by 1 Jac. II. c. 4, and continued by 2 Gul. et Mar., sess. 2, c. 5, and by 4 Gul. et Mar. c. 15 (vol. I. of this series, p. 426, and *ante*, pp. 37, 78). The importer was obliged to give bond and security for payment of the duties; discounts of from two to ten per cent. were allowed if payment was made within fifteen months; and certain allowances were made for waste and shrinkage.

⁷² In committee, appointed Jan. 4 (*ante*, p. 146), to consider the papers presented by the Admiralty referring to the merchants' losses at sea. To this committee were also referred a list of ships for the fleet in the Channel and Mediterranean and a list of convoys and cruisers, including those in the West Indies. *MSS. H. of L.*, pp. 124-125.

⁷³ See *ibid.*, pp. 91-92, 95-96.

⁷⁴ *Cal. St. P. Col.*, 1693-1696, pp. 388, 389, 390.

Order of the Council on 1st Dec.;⁷⁵ but, they desiring not to go till 1st Jan., we disposed the convoy, because it should not be unemployed. The *Woolwich* (that is to go commandour) is now at Long Reach. But she is to go with the Virginia merchants.

The Admiralty are directed to give positive answers tomorrow morning when the convoy will be ready to go with the Barbadoes fleet, which Sir John Houblon undertakes to do.

*Mr. Perry*⁷⁶ says, if they have not cruisers in the Soundings as well as convoys, they shall be still in danger of losing our heavy ships. He reads a letter of 10 Feb. 1694/5, from Plymouth, that there were then but two cruisers. When our ships were taken in August, there were four men of war in Plymouth, and none of them would go out.

Proposed that the matter of cruisers be considered before this committee finish all the business.⁷⁷ (*MSS. H. of L.*, 1695-1697, p. 66.)

*Jan. 14, HL.*⁷⁸ The Commissioners of the Admiralty are asked when the convoy to the Barbadoes fleet will be ready.

*Sir John Lowther*⁷⁹ says he believes it will be near the end of the month before it will be ready.

Mr. Perry says all their ships have cleared Gravesend.

Sir Robt. Rich says they have not yet brought the list of ships to the board, though required on Friday last. He says *Mr. Perry* and other merchants applied to the Council for a longer time than 1st Dec.

Mr. Priestman: It would have been ill in us to have let the convoy lie by when ready. The East India ships now have that convoy. The cruisers are fitting at Plymouth.

Admiralty: Except accidents, the convoy will be ready by the latter end of the month.

Question: When will the Virginia convoy be ready?

Admiralty: That convoy will be ready sooner than the other; or, at farthest, when the other is ready.

The merchants desire the convoy may be in the Downs.

Admiralty: The convoy will be in the Downs, if one of the ships that is in Portsmouth can be ready soon enough to come.

They are called in and told that the committee have taken notice of their saying that the convoys will be ready for the Barbadoes and Virginia fleet by the end of this month, and the House will take notice of it if they are not ready; but their Lordships hope they will take care to be accordingly ready. (*Ibid.*, pp. 66-67.)

⁷⁵ *Acts P. C. Col.*, II. 290.

⁷⁶ A Barbados merchant, probably Micajah or Richard, both of whom were interested in this trade at this time. *Ibid.*, index.

⁷⁷ The Commons this day having given permission to such members as were Commissioners of the Admiralty to attend this committee when desired, Edward Russell, Sir John Lowther, Sir Robert Rich, Henry Priestman, and Robert Austin, were asked to be present the following morning. *L. J.*, XV. 639; *C. J.*, XI. 389.

⁷⁸ See note 72, *ante*.

⁷⁹ Note: "A Memorandum by the Clerk states that L. Ferrers told Sir John Lowther that their Lordships did not admit of the Commissioners sitting down; but, by reason of his infirmity, if he sat behind, out of sight, there would be no notice taken of it." Lowther had been badly wounded in a duel, Apr., 1691, with a Newcastle customs officer named Brabant. Luttrell, *State Affairs*, II. 210.

Jan. 14, HC. A bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France, was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Saturday morning next, resolve itself into a committee of the whole House, to consider of the said bill.⁸⁰

. . . . (C. J., XI. 390.)

Jan. 15, HL. The commissioners,⁸¹ on the notes taken being read over to them, said, if the winds stand westerly three or four days longer, the convoys for the Barbadoes and Virginia ships will certainly be ready; but, if it do not, no other ships can be fitted by the end of the month, because ships to the West Indies must be both inwardly and outwardly fitted otherwise than ships to other places. The *Colchester* is in the river at Woolwich, the *Woolwich* in the Long Reach, the *Prince of Orange* in the Downs, and the *Prince George* at Portsmouth. . . . The five ships for the convoys are the *Colchester* at Woolwich, for Barbadoes, with the *Virgin Prize* coming from the Downs to the Nore; the *Woolwich* is at Long Reach (for Virginia) with the *Prince of Orange* in the Downs, and the *Prince George* at Portsmouth. Another frigate, called the *Southampton*, is fitting at Portsmouth, in case the *Colchester* cannot get from Woolwich time enough. (MSS. H. of L., 1695-1697, p. 67.)

Jan. 16, HL. The Commissioners of the Customs are called in before the same select committee.⁸² Sir Robt. Southwell gives in a report from the commissioners, with two papers annexed, which are read.⁸³ Being asked whether the House of Commons have not at any time had such account of the balance of trade as is now desired, he says in 1674 there was a balance made up of what related to France only. This they had by tradition. The desired account for the time past cannot be had, but may be for the future. They deliver in several specimens of accounts of importations and exportations, which are perused.⁸⁴ They withdraw. After some time they are called in again and directed to proceed in the work expected from them in pursuance of the order; and that they give as particular account as they can for the time to come, with the least prejudice to the merchants that may be. They are also told that, they having acquainted the committee that they were preparing a bill for strengthening

⁸⁰ To this same committee was referred a petition of the sugar refiners of London who complained of the discouragement given the trade. C. J., XI. 390.

⁸¹ Of the Admiralty. See previous meeting of this committee on Jan. 14.

⁸² The committee appointed Jan. 7, to consider the papers presented by the Commissioners of the Customs.

⁸³ MSS. H. of L., pp. 23-24. These set forth the difficulties of compiling such reports as were called for on Jan. 8 (*ante*), and give some specimen reports.

⁸⁴ *Ibid.*, pp. 26-29. Among these is a form, showing the following exports and imports, for the port of Barnstaple and its members, Sept. 29, 1692, to Sept. 29, 1693. For English plantations: beer 1000 bbls., biscuit 1500 lbs., wearing apparel made up 120 suits, shoes 1080 lbs., wrought iron 750 cwt., butter 150 bbls., cheese 2000 lbs. For Newfoundland: malt 20 quintals, pease 5, bread 10 cwt., beer 3 tuns, herring nets 8 (value 9 l.), lines 20 doz. Goods imported from the plantations: tobacco 400,500 lbs., white sugar 20,100 cwt., brown sugar 80,000 cwt., indigo 3800 lbs., ginger 750 cwt., cocoanuts 350 cwt., cotton 250 cwt., lime juice 400 gals., aloes 120 lbs., suckatts [sweetmeats] 250 lbs., rum 390 gals., molasses 450 cwt.

the act of navigation, they hope they are not forgetful of it. They say the bill is actually now in Mr. Attorney's hands in order to be presented to the Parliament;⁸⁵ and that they have applied to the Lords of the Treasury for letters to the governors of plantations, etc., and the king has referred it to a committee of Council, and they are to attend them to-morrow.⁸⁶ They withdraw.⁸⁷ (*MSS. H. of L.*, 1695-1697, p. 7.)

Jan. 16, HC. Ordered, that it be an instruction to the committee of the whole House, to whom the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France, is committed, that they do consider of the doubts touching the duties upon molasses,⁸⁸ and French goods taken in prize-ships. (*C. J.*, XI. 392.)

Jan. 16, HC. A petition of several merchants of London, importers of tobacco, was presented to the House, and read; setting forth, that⁸⁹

That the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*, p. 393.)

Jan. 18, HC. A petition of the merchants, ironmongers, and other traders and inhabitants, of the city of Bristoll, was presented to the House, and read; setting forth, that the wealth of this nation doth chiefly arise from the labour of its people; and whatever hinders the making their manufactures, doth so far put a stop to, and lessen, the trade and profit of the kingdom: that iron being the foundation of many manufactures, and the quantities thereof raised at home not being sufficient to furnish our own expence, and the necessities of the plantations, the overplus was formerly supplied from other countries, in returns for our woollen manufactures sent thither; but since the making of an act of Parliament, in the second year of King William and Queen Mary,⁹⁰ a duty being thereby laid upon all unwrought iron and rod-iron imported, much above what those commodities were able to bear, very little thereof hath been imported; and the petitioners are sufficiently experienced, the iron raised here will not near answer the occasions of the nation; for that they could not be supplied with one half of the iron manufactures they should have sent to the plantations lately, from the port of Bristoll; and the want of iron from abroad will yearly increase, unless the said duty be taken off; the continuance whereof hath tended more to the advantage of the iron-masters at home, than to the increase of his Majesty's revenues: that the Dutch have, since the said act, furnished Spain, and other markets, with nails, cheaper than we could do; and will, in a short time, beat us out of

⁸⁵ 7 and 8 Gul. III. c. 22; *post*, p. 155.

⁸⁶ *Acts P. C. Col.*, II. 297; *Cal. St. P. Col.*, 1693-1696, pp. 638, 639-640.

⁸⁷ On the same day the merchants trading to the East Indies and representatives of the East India Co. were called to the bar of the House of Lords. There were many hearings concerning this trade and the powers to be given a company to offset the inconveniences of the Darien Company. In the end, on Sept. 5, 1698, the English Company trading to the East Indies was established. *MSS. H. of L.*, pp. 7-13, with appended papers; Scott, *Joint-Stock Companies*, II. 161-167, 179 *et seq.*; and the *Journals* of both Houses for this period.

⁸⁸ The act contains no reference to molasses.

⁸⁹ The nature of this petition is nowhere disclosed.

⁹⁰ 2 sess. c. 4.

that trade: and praying the House to consider the mischiefs which attend the trade of the nation by the continuance of the said duties any longer.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France, is committed.⁹¹ (*Ibid.*, p. 396.)

Jan. 18, HC. A petition of divers merchants, and others, in and about the City of London, trading in tobacco, was presented to the House, and read; setting forth, that⁹²

That the consideration of the said petition be referred to the committee of the whole House, to whom the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco and East-India goods, and other merchandizes, imported, for carrying on the war against France, is committed. (*Ibid.*)

Jan. 18, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France. . . .

Sir Thomas Littleton reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Wednesday morning next, resolve itself into a committee of the whole House, to consider further of the said bill.⁹³ (*Ibid.*, p. 397.)

Jan. 20, HL. The Earl of Manchester reported from the Lords committees appointed to consider of papers delivered from the Commissioners of the Customs the thirtieth of December last, as follows; (*videlicet.*)

That their Lordships, on consideration of the said papers touching the balance of trade, referred to them, have had the commissioners and officers for the customs before them; and their Lordships find, that to have a perfect account of the exportations and importations, will take up more time than they apprehend this session will afford.

That the said commissioners have begun the work, in pursuance of their Lordships order, and have shewed some specimens thereof; and are directed, by their Lordships, to proceed therein for the three last years; and that they give as particular account of the several sorts of manufactures for the time to come as they can, with the least prejudice to the merchants that may be.

That whereas the Commissioners of Customs had said, the several plantations under proprietors by grants from the crown were subject to the acts for trade, and other plantation laws, in like manner as are all other

⁹¹ Section 17 of the act as passed made it lawful to import from Ireland unwrought iron, "other than Swedish or other foreign iron", discharged of duties imposed by 4 Gul. et Mar. c. 5. *Statutes*, VII. 72.

⁹² Further account of the petition is omitted from the *Journals*.

⁹³ Postponements delayed the report of the committee upon this bill until Feb. 22. *C. J.*, XI. 413, 426, 431, 450, 458, 460.

the English plantations; yet they are now become sensible, that it would be necessary to strengthen the acts of navigation, for a further security of the trade of those plantations; and they are in great forwardness to offer some bills to that purpose.

Their Lordships likewise took notice to them of their letter, which they had prepared to send, as from themselves, to the several governors of those plantations, under the distinct proprietors; which their Lordships recommended to them, to make application to the Lords of the Treasury, that they would move the Council, that letters to that effect might be sent from the Council, as more effectual to the preservation of the trade in those parts; which the commissioners have likewise informed their Lordships they have since done, and that it is in a way to be dispatched accordingly.⁹⁴ (*L. J.*, XV. 646.)

Jan. 21, HC. A petition of the West-India merchants was presented to the House, and read; setting forth, that an act was made, in the first year of King James the First, for the well garbling of spices:⁹⁵ that the execution of the said act is lett to farm, at a certain rent, by the Lord Mayor and aldermen of London, to Mr. William Steward; who takes advantage of some doubtful words in the said act, and pretends to garble not only the commodities named in the said act, but all others, according to his own pleasure; and now garbles ginger exported, at 20 s. per ton, and amounts to 8 l. per cent. which never used to be garbled: that Mr. Stewart, every day, enlarges his pretensions, at what rates he pleases; there being no provision in the said act to prevent these heavy inconveniences, which may quite ruin the spice-trade; and if any person disputes the garbler's power, he puts them into the exchequer, where it costs at least 7 l. 10 s. to get out again; so that many pay his demands in their own wrong, rather than spend a greater sum in the exchequer: and praying the House to consider of the said act, and give encouragement to the said trade, it being now a hundred times greater than when the said act was made, which cannot be adapted to the present trade.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House:

And it is referred to Sir Robert Davers, Sir Sam. Barnardiston, Sir William Ashurst, Mr. Moore, Sir Robert Cotton, Mr. Yates, Mr. Norris, Mr. Whitacre, Mr. Lowther, Mr. Wharton, Mr. Arnold, Sir John Bolles, Sir Rowland Gwyn, Mr. Thornhagh, Mr. Fuller, Mr. Bromley, Mr. Morris, Mr. Brewer, Mr. Gardner, Mr. Papillon, Sir Tho. Davall, Mr. Hoare, Mr. Bagnold, Mr. England, Sir Gerv. Elwes, Sir Wm. Drake, Mr. Morgan, Sir Ra. Dutton, Mr. White, Mr. Stonehous, Mr. Lampton, Mr. Chase, Mr. Guy: and they are to meet this afternoon at four a clock, in the Speaker's Chamber: and are impowered to send for persons, papers, and records.⁹⁶ (*C. J.*, XI. 399.)

⁹⁴ See first entry under Jan. 16, *ante*.

⁹⁵ *C. 19.* Several efforts had been made by the government to encourage the planting of pepper, cloves, and other spices in Jamaica. Beer, *Old Colonial System*, pt. I., vol. II., p. 54.

⁹⁶ Additions were made to this committee, Jan. 30, 31 (*C. J.*, XI. 420, 421). Similar petitions from London merchants and traders were presented this day and the following

Jan. 23, HC. Ordered, that leave be given to bring in a bill for preventing frauds, and regulating abuses, in the plantation-trade: and that Mr. Chadwick and Mr. Blathwaite do prepare, and bring in, the bill. (*Ibid.*, p. 409.)

Jan. 27, HC. Mr. Chadwick, according to order, presented to the House a bill for preventing frauds, and regulating abuses, in the plantation-trade.

The bill was read the first time.

Resolved, that the bill be read a second time.⁹⁷ (*Ibid.*, p. 415.)

and referred to this same committee, which made report on Mar. 2. A bill for preventing garbling was presented, read, and reported, but failed with the ending of the session. *C. J.*, XI. 399, 408, 482, 494, 502, 517, 558.

Also this day, report was made by the committee appointed Dec. 17 to examine into the methods employed to secure the passage in Scotland of the act establishing the Darien Company (see note 42, *ante*, p. 142). This report is printed *in extenso*, with the minutes of meetings of those concerned, *ibid.*, pp. 400-406. A committee was appointed to prepare impeachments against the individual directors. *Ibid.*, p. 407.

⁹⁷ 7 and 8 Gul. III. c. 22 (*Statutes*, VII. 103). This was the last of the so-called Navigation Acts. It was the result of numerous petitions presented and the many parliamentary inquiries held during the preceding two years, as shown in these pages, concerning infractions of the existing laws and the increasing competition for the colonial trade, as evidenced by the lately established Darien Company. The principal provisions of the act were: no plantation goods to be imported into or exported from the plantations, or carried from one plantation to another, except in vessels built and owned in England, Ireland, or the plantations, and manned by officers and crew, three-fourths of whom must be English or of the plantations, excepting prize ships and those used by the Commissioners of the Navy, under forfeiture of ship and goods, one-third to the king, one-third to the plantation governor, and one-third to the informer; governors to take oaths to observe the navigation acts, under penalty of removal and a fine of £1000; officers appointed by the governors to give security for the faithful performance of their duties; ships trading with the plantations were made subject to all the formalities of visit and search provided for England in 1662; notwithstanding the payment of the duties specified in the earlier acts none of the enumerated goods could be laden until security was first given to land them in England, Wales, Berwick-upon-Tweed, or other plantations; all colonial laws repugnant to this and other navigation acts, or to any future law to be made relating to the plantations, were declared void; for better executing the laws relating to plantation trade, the appointment of officers of the customs was authorized where and when needed; in actions brought for violation of the navigation acts the jury was to be restricted to natives of England or Ireland or born in the plantations; no plantation goods could be put on shore in Ireland or Scotland without first landing in England, Wales, or Berwick-upon-Tweed and there paying the rates and duties, except in case of wreck or leakage, when they must be removed in other vessels at the expense of the owner, and transported to the shores of England, Wales, or Berwick-upon-Tweed; those holding land in America through charter or letters-patent must not dispose of their holdings to aliens without the consent of the King in Council, and governors of proprietary colonies must first be approved by the crown; and all vessels were to be registered, and on changing the name to be registered *de novo*. For a full discussion of the conditions leading to the passage of this act, an analysis of its provisions, and a statement of its effects on colonial trade, see Channing, *Hist. of U. S.*, II. 251-280.

"Wee extreemly suffered by the last act of [16]96, in divers respects against the plantations, at large, and particularly injurious to our people, to say nothing of the blow that is given to juries, in favour to the Court of Admiralty. The next thing is, that if any persecuting temper should show itself in your house, which I have some cause to believe will, at least, be attempted, thou would please to remember the house that liberty of conscience is one of the articles of the originall contract of this revolution and most agreeable with that of the English Government at large; otherwise wee must think our selves very ill used, to be tantalized with liberty, and as soon as the nation as well as our selves, begin to finde the benefit thereof, it should be invaded, and overthrown by the envy of a few mercenary clergymen, who are combined to influence the gentry, which they can, to turn the edge of power against us. I know thy double influence in the House, to moderate one sort and to excite t'other to help us." . . . Penn to Robert Harley, Jan. 30, 1698/9. *Hist. MSS. Comm., Fourteenth Rept.*, pt. II. (*Portland MSS.*, vol. III.), p. 602.

Jan. 31, HC. Colonel Granvill, according to the order of the day, reported, from the committee of the whole House, to whom it was referred to consider of the state of the nation, in relation to trade, the resolutions of the said committee; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table.

Ordered, that the serjeant at arms do go, with the mace, into Westminster-hall, and the several courts, and court of request, and summon the members there to attend the service of the House.

And the serjeant went accordingly.

And, being returned with the mace;

The said resolutions of the said committee were read; and are as follow; *viz.*

1. Resolved, that it is the opinion of this committee, that a council of trade be established, by act of Parliament, with powers for the more effectual preservation of the trade of this kingdom.

2. Resolved, that it is the opinion of this committee, that the commissioners constituting the said council of trade shall be nominated by Parliament.

3. Resolved, that it is the opinion of this committee, that none of the said commissioners be of this House.

4. Resolved, that it is the opinion of this committee, that the said commissioners do take an oath, acknowledging, that King William is rightful and lawful king of this realm; and that the late King James hath no right or title thereunto; and that no other person hath any right or title to the crown, otherwise than according to the act, made in the first year of the reign of King William and Queen Mary, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown.⁹⁸

5. Resolved, that it is the opinion of this committee, that the said council of trade shall be impowered to require information, and receive the application, from merchants and traders, with respect to the protection of all ships going out, and returning.

6. Resolved, that it is the opinion of this committee, that the said commissioners do send their directions for the protection of trade to the Lord High Admiral of England, or the commissioners for executing that office; which directions, are to be controulable by his Majesty, under his sign manual; or by such person or persons as his Majesty shall authorize, in the administration of the government, during his Majesty's absence out of the kingdom.

7. Resolved, that it is the opinion of this committee, that the said commissioners be likewise impowered to receive complaints, in relation to trade, of the misbehaviour of commanders and officers; and to represent the same to his Majesty; or such person or persons as his Majesty shall authorize, in the administration of the government, during his Majesty's absence out of the kingdom; and send their directions to the Admiralty, for proceeding against offenders according to law.

⁹⁸ 2 sess. c. 2.

8. Resolved, that it is the opinion of this committee, that the said commissioners be likewise impowered to consider the plantation-trade, and all other trades and manufactures; and the best methods for securing and improving the same to England. . . .

10. Resolved, that it is the opinion of this committee, that the said commissioners be likewise impowered to look into the book of rates, in order to the settling the balance of trade, for the benefit of this kingdom. . . .

12. Resolved, that it is the opinion of this committee, that the said commissioners have power to consider how to regain, encourage, and establish, the fishery.

13. Resolved, that it is the opinion of this committee, that the said commissioners be likewise impowered to restrain all merchants ships from going out, but at certain times, in fleets, and with convoys.

14. Resolved, that it is the opinion of this committee, that the said commissioners be impowered to take examinations upon oath.

The first resolution being read a second time;

An amendment was proposed to be made thereunto, by leaving out "by act of Parliament":

And the question being put, that those words do stand part of the said resolution;

It was resolved in the affirmative.

Then the question being put, that the House do agree with the committee in the said resolution;

It was resolved in the affirmative.

The second resolution, being read a second time, was, upon the question put thereupon, agreed unto by the House.

The third resolution being read a second time;

And the question being put, that the House do agree with the committee in the said resolution, that none of the said commissioners be of this House;

The House divided.

The noes go forth.

Tellers for the yeas, Sir Rowland Gwynn, Mr. Norris: 188.

Tellers for the noes, Mr. Bickerstaffe, Mr. Manley: 209.

So it passed in the negative.

The fourth resolution being read a second time;

And the question being put, that the House do agree with the committee in the said resolution, that the said commissioners do take an oath, acknowledging, that King William is rightful and lawful king of this realm; and that the late King James hath no right or title thereunto; and that no other person hath any right or title to the crown, otherwise than according to the act, made in the first year of the reign of King William and Queen Mary, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown;

The House divided.

The noes go forth.

Tellers for the yeas, Lord Coningsby, Mr. Elwill: 188.

Tellers for the noes, Sir Robert Davers, Mr. Gwynn: 195.

So it passed in the negative.

The 5th, 6th, 7th, 8th, and 9th, resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The 10th resolution being read a second time;

And the question being put, that the House do agree with the committee in the said resolution, that the said commissioners be likewise empowered to look into the book of rates, in order to the settling the balance of trade, for the benefit of this kingdom;

It passed in the negative.

The 11th and 12th resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The 13th resolution being read a second time;

And the question being put, that the House do agree with the committee in the said resolution, that the said commissioners be likewise empowered to restrain all merchants ships from going out, but at certain times, in fleets, and with convoys;

It passed in the negative.

The 14th resolution, being read a second time, was, upon the question put thereupon, agreed unto by the House.

Ordered, that a bill be brought in upon the resolutions agreed unto by the House: and that Colonel Granville do prepare, and bring in, the bill.⁹⁹ (*C. J.*, XI. 423-424.)

Feb. 1, HC. Ordered, that the bill for preventing frauds, and regulating abuses, in the plantation-trade, be read a second time upon Thursday morning next.¹⁰⁰ (*Ibid.*, p. 424.)

*Feb. 7, HL.*¹⁰¹ The Commissioners of the Admiralty are asked whether the convoys for the Virginia and Barbadoes fleets are sailed, or in what forwardness they are.

*Capt. Priestman:*¹⁰² I believe the fleet is sailed to-day, if the wind be at north east. On the 5th inst. the Virginia convoy, *viz.*, the *Woolwich* and *Prince of Orange* were in the Downs, and the *Prince George* and *Hawk* fireship at Spithead, under orders for Plymouth. The Barbadoes convoy, *viz.*, the *Colchester* is at the Nore and under orders for the Downs, and the *Virgin Prize* is in the Downs. But some of the merchants have not yet cleared Gravesend. . . .

Ordered that Sir John Lowther and Sir John Houblon be desired to be here on Monday, with the other commissioners, and that they give a

⁹⁹ The bill was read and committed but not reported; *post*, pp. 159, 160. May 15, 1696, William appointed eight commissioners of trade and Plantations, among them William Blathwayt and John Locke, both of whom had long been interested in colonial affairs. The commission is printed in *MSS. H. of L.*, 1695-1697, p. 419, and in *N. Y. Col. Docs.*, IV. 145. For accounts of the organization and work of this board, see O. M. Dickerson, *American Colonial Government, 1696-1765*; C. M. Andrews, *Guide to the Materials for Am. Hist. to 1783, in the Pub. Rec. Office of Gt. Brit.*, I. 82 *et seq.*

¹⁰⁰ Then postponed to Feb. 12. *C. J.*, XI. 433.

¹⁰¹ In committee on the papers delivered by the Admiralty, Dec. 27.

¹⁰² Capt. Henry Priestman, one of the Commissioners of the Admiralty.

particular account where all the ships were, and under what orders they were, on 5th, 6th and 7th Aug.¹⁰³ (*MSS. H. of L.*, 1695-1697, pp. 67-68.)

Feb. 12, HC. Colonel Granvill, according to order, presented to the House a bill for constituting a council of trade.

The bill was read the first time.

Resolved, that the bill be read a second time upon Tuesday morning next. (*C. J.*, XI. 440.)

Feb. 12, HC. A bill for preventing frauds, and regulating abuses, in the plantation-trade, was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon to-morrow sevensnight, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*)

Feb. 12, HC. A petition of Isaac Correa, Isaac Pereira, and Joseph Henriquez, on behalf of themselves, and divers other merchants, was presented to the House, and read; setting forth, that the petitioners are informed, that there is a clause in the bill for preventing frauds, and regulating abuses, in the plantation-trade, that no foreigner shall use the occupation of a merchant, or factor, in any of his Majesty's plantations, under a great penalty:¹⁰⁴ that such a clause will be the ruin of many families, who, by the rigour of the Spanish and Portuguese inquisitions, were forced to renounce their native countries, and shelter themselves under the protection of the English government; to which they have ever dutifully submitted: and praying, that they may be heard, by their counsel, at the bar of the House, before the passing of the said bill, touching the premises.

Ordered, that the consideration of the said petition be referred to the said committee, to whom the said bill is committed. (*Ibid.*)

Feb. 14, HC. Ordered, that the report from the committee, to whom the consideration of the petition of the West-India merchants, relating to the garbling of spices, and other commodities, was referred, be made upon Tuesday morning next.¹⁰⁵ (*Ibid.*, p. 449.)

Feb. 17, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandizes, imported, for carrying on the war against France. . . .

Sir Thomas Littleton reported from the said committee, that they had gone through the bill, and made several amendments; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made upon Thursday morning next.¹⁰⁶ (*Ibid.*, p. 452.)

¹⁰³ This account, presented Feb. 22, mentions the Newfoundland convoy of one fourth and one fifth-rate vessel, and in the West Indies, one third, seven fourth, six fifth, and one sixth-rate. *MSS. H. of L.*, p. 97.

¹⁰⁴ Section 16 required the owner of a ship engaged in the plantation trade to take oath on registering same, that "noe Foreigner directly or indirectly hath any Share or Part or Interest therein". *Statutes*, VII. 107.

¹⁰⁵ After several postponements, report was made on Mar. 2. *C. J.*, XI. 454, 460, 476.

¹⁰⁶ The report was made on Feb. 23.

Feb. 18, HC. A bill for constituting a council of trade was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the said bill. (*C. J.*, XI. 454.)

Feb. 22, HC. Resolved, that this House will, upon Thursday morning next, resolve itself into a committee of the whole House, to consider of the bill for preventing frauds, and regulating abuses, in the plantation-trade. (*Ibid.*, p. 461.)

Feb. 23, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom the said bill was committed,¹⁰⁷ the amendments, made by the committee, to the said bill; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table.

Ordered, that the consideration of the said report be adjourned till Monday morning next. (*Ibid.*, p. 463.)

Feb. 24, HC. The House, according to the order of the day, resumed the consideration of the report from the committee of the whole House, to whom the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, East-India goods, and other merchandize, imported, for carrying on the war against France, was committed:

And the amendments, made by the committee, to the said bill, were once read throughout.

Ordered, that the further consideration of the said report be adjourned till Wednesday morning next.¹⁰⁸ (*Ibid.*, p. 464.)

Feb. 28, HC. A petition of the merchants and planters trading to, and interested in, the plantations of Virginia and Maryland, was presented to the House, and read; setting forth, that the said plantations are capable of greater improvements; but want people to carry on the increase of planting tobacco; and, if they were sufficiently supplied with negroes, they would produce twice the quantity they now do; which would not only employ more of our shipping, but increase the customs, and render tobacco cheaper, and enable us to furnish the Dutch, and other nations, at cheaper rates than they now make it; whereby, their planting tobacco would be wholly discouraged: that one negro will make as much tobacco in a year as must pay 30 or 40 *l.* custom in England; and the African Company have been so far from supplying those plantations, that they have seized all those ships that offered to supply them: and praying, that the trade for negroes from Acra to Angola may be left free and open to all the subjects of this kingdom.¹⁰⁹

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider of the state of the

¹⁰⁷ The bill for continuing duties upon tobacco, etc.

¹⁰⁸ The report was further considered Feb. 26, 27, and 28. *C. J.*, XI. 468, 470.

¹⁰⁹ See *ante*, note 53.

nation in relation to trade; and particularly the African trade. (*Ibid.*, p. 475.)

Feb. 28, HC. A petition of the merchants and planters trading to, and interested in, the island of Jamaica, was presented to the House, and read; setting forth, that the commodities of that island are dearer or cheaper, according to the plenty or scarcity of negroes, brought thither from Guinea: that while the African Company exercised an unlimited power, under pretence of a charter, the said island was not sufficiently supplied with negroes; and what came, were sold partially, at what prices the company pleased: that the trade to Africa, being open, or in a regulated company, will be much increased, the island supplied with negroes, the commodities sold cheaper, our shipping more employed, more of English manufactures exported; and, by this means, the mischiefs of the Scotch act will be, in a great measure, prevented; but if the trade for negroes be restrained to a company in a joint [stock] the said island is not like to recover their several losses; viz. by the earthquake, and the descent of the French, above 800,000 *l.*; and at least 400,000 *l.* taken by the French at sea:¹¹⁰ and praying, that the trade to Africa may be left free to all; or in a regulated company, as that of Turkey.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider of the state of the nation in relation to trade; and particularly the African trade. (*Ibid.*)

Feb. 28, HC. The House, according to the order of the day, proceeded to take into consideration the report from the committee of the whole House, to whom the bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, East-India goods, and other merchandize, imported, for carrying on the war against France, was committed:

And the amendments, made by the committee, to the said bill, were once read throughout; and then a second time, one by one; and several of the amendments and clauses were, upon the question severally put thereupon, agreed unto by the House: . . .

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 476.)

Mar. 2, HC. An ingrossed bill for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, East-India goods, and other merchandize, imported, for carrying on the war against France, was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for continuing several duties, granted by former acts, upon wine and vinegar, and upon tobacco, and East-India goods, and other merchandize, imported, for carrying on the war against France.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.¹¹¹ (*Ibid.*, p. 482.)

¹¹⁰ The earthquake occurred in 1692; the invasion of the island by the French was in 1694 (*Cal. St. P. Col.*, 1693-1696, pp. 318-319, 325-333). Concerning the losses at sea because of the French, see *MSS. H. of L.*, 1695-1697, pp. 79-81.

¹¹¹ *L. J.*, XV. 690.

Mar. 2, HC. Mr. Whitacre reported from the committee, to whom the consideration of the petition of the West-India merchants, and of several other petitions, relating to the garbling of spices, was referred,¹¹² the matter, as it appeared to the said committee, and the resolution of the committee thereupon; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read; and is as followeth; viz.

Mr. Robert Heyshom.¹¹³ That, in times of peace, ginger may be bought for 7 s. per hundred in Barbadoes; and that the garbler's demands here are 12 d. per hundred: that he is an importer thereof, and has imported large quantities, and never had the same [demanded to be]¹¹⁴ garbled, till last summer.

Colonel Willet: That the garbler, till lately, never pretended to garble any commodities [imported] from the Levant seas, the East and West-Indies, designed for exportation.

That, upon the whole matter, the committee came to the resolution following;

Resolved, that it is the opinion of this committee, that the garbling of goods to be exported is a great discouragement to trade, and prejudicial to the merchant.

Ordered, that the further consideration of the said report be adjourned until Friday morning next. (*C. J.*, XI. 482, 484, 486.)

Mar. 3, HC. Resolved, that this House will, upon Friday morning next, resolve itself into a committee of the whole House, to consider of the bill for preventing frauds, and regulating abuses, in the plantation-trade. (*Ibid.*, p. 487.)

Mar. 3, HC. Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the bill for constituting a council of trade.¹¹⁵ (*Ibid.*, p. 488.)

Mar. 3, HL. *Hodie ra vice lecta est billa*, intituled, An act for continuing several duties granted by former acts, upon wine and vinegar, and upon tobacco and East India goods, and other merchandize imported, for carrying on the war against France.

Ordered, that the said bill shall be read a second time on Friday next, at eleven of the clock in the forenoon; and all the Lords summoned then to attend. (*L. J.*, XV. 691.)

Mar. 5, HC. A petition of several French Protestants, residing in and about London, in behalf of themselves, and other French Protestant families settled in the English plantations in America, was presented to the

¹¹² *Ante*, pp. 154, 159. In addition to the references here given from this report, the omitted portions contain much information respecting the practice of garbling or sifting of spices and drugs, together with the economic results.

¹¹³ Some references to Heysham's trade with Barbados are given in *Acts P. C. Col.*, II. 281, 350, 391. He complained that the garbler charged him 12 d. per hundred for ginger, and others but 6 d., thus permitting the latter to undersell him.

¹¹⁴ It is noted in the *Journals* that the words within the brackets were supplied from the original report.

¹¹⁵ This is the last reference to this bill during this session. In the Commons this day there was also presented a petition of weavers and dyers of Kidderminster, in the county of Worcester, complaining of loss of trade by reason of the lack of protection to the Royal African Company against interlopers. *C. J.*, XI. 486.

House, and read; setting forth, that the petitioners, being prosecuted for their religion in their native countries; and being encouraged to come over into England, by the declaration of King Charles the II^d, in July 1681;¹¹⁶ and since, by another of his present Majesty's, in April 1689; they accordingly did, at great hazard and expence, transport themselves into England and America; where they have improved the English colonies by trade and great labour; and especially Carolina and New-York, which are chiefly inhabited by French Protestants, who have employed what little they could save in the improvement of trade there, for a maintenance for their families: that in the bill, now before the House, for preventing frauds, and regulating abuses, in the plantation-trade, there is a clause, that no person, other than such as are natives of England or Ireland, or born in his Majesty's plantations, shall trade, as a merchant or factor, in the plantations, under a penalty: that, if such a clause be inserted, many of the petitioners must be undone, and their families starve; or return to England, to subsist upon the publick charities: and praying, that the House will omit the said clause in the aforesaid bill; which will be the petitioners ruin, if it should pass.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*C. J.*, XI. 491.)

Mar. 5, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the state of the nation, in relation to trade; and particularly, the African trade. . . .

Colonel Granvill reported from the said committee, that they had come to several resolutions; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning.¹¹⁷ (*Ibid.*, pp. 493-494.)

Mar. 6, HC. The House, according to order, resumed the consideration, adjourned, of the report from the committee, to whom the petition of the West-India merchants; and several other petitions, concerning the garbling of spices; was referred:

And the resolution of the said committee was read a second time; and, upon the question put thereupon, agreed unto by the House.

Ordered, that leave be given to bring in a bill for regulating abuses relating to garbling: and that the said committee do prepare the bill.¹¹⁸ (*Ibid.*, p. 494.)

Mar. 6, HC. Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the bill for preventing frauds, and regulating abuses, in the plantation-trade. (*Ibid.*, p. 495.)

¹¹⁶ See Baird, *History of the Huguenot Emigration to America*, I. 254. The declaration of Apr. 25, 1689, is printed in the *London Gazette*, no. 2449. Concerning Huguenot emigration to America, in addition to Baird, see references cited in note 35, *ante*, p. 58.

¹¹⁷ Reported on the seventh.

¹¹⁸ See *ante*, note 96.

Mar. 6, HL. *Hodie 2a vice lecta est billa*, intituled, An act for continuing several duties granted by former acts, upon wine and vinegar, and upon tobacco and East India goods, and other merchandize imported, for carrying on the war against France.

Ordered, that the consideration of the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

After some time, the House was resumed.

And the Lord Godolphin reported, that the committee had gone through the said bill; and think it fit to pass, without any alteration or amendment.

Hodie 3a vice lecta est billa, intituled, An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco and East India goods, and other merchandize imported, for carrying on the war against France.

The question was put, whether this bill shall pass?

It was resolved in the affirmative. . . . ¹¹⁹

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Robert Legard:

To let them know, the Lords have agreed to the said bill, without any amendment.¹²⁰ (*L. J.*, XV. 695.)

Mar. 7, HC. Sir Henry Hobart reported from the committee, to whom the consideration of the petition of the master, wardens, and assistants, of the company of weavers of Canterbury;¹²¹ and the petition of the wardens and assistants of the trade and company of worsted-weavers of the city of Norwich, and county of Norfolk;¹²² and the petition of the say-makers, and worsted-yarn-makers, in the counties of Suffolk and Cambridge;¹²³ was referred; that they had examined and considered the said several petitions accordingly; and had directed him to report the matter, with the resolutions of the committee thereupon, to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read

That, upon the whole matter, the committee came to the resolutions following; *viz.*

Resolved, that it is the opinion of this committee, that the wearing of the East-India and Persia wrought silks, bengals, and dyed, printed, or stained, calicoes, within this kingdom of England, and the plantations belonging thereunto, is very destructive to the woollen manufacture; and tends to the ruin of many thousands of the manufacturers, and their families.

Resolved, that it is the opinion of this committee, that the House be moved for leave to bring in a bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, calicoes, imported into this

¹¹⁹ Because of a clause concerning the price of guineas, there was one dissent to the bill.

¹²⁰ *C. J.*, XI. 497. The royal assent was given the following day. *Ibid.*; *L. J.*, XV. 697.

¹²¹ *C. J.*, XI. 474.

¹²² *Ibid.*, p. 437.

¹²³ *Ibid.*, p. 456.

kingdom of England, and the plantations belonging thereunto, of the product and manufacture of Persia, and the East-Indies.

The second resolution being read a second time;

The same was, upon the question put thereupon, agreed unto by the House.

Ordered, that a bill be brought in upon the said resolution: and that Sir Henry Hobart do prepare, and bring in, the bill.¹²⁴ (*C. J.*, XI. 496, 497.)

Mar. 7, HC. Colonel Granville reported, from the committee of the whole House, who were to consider further of the state of the nation, in relation to trade; and particularly, the African trade; the resolutions of the said committee; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that the trade to Africa be settled, and regulated, by act of Parliament.

Resolved, that it is the opinion of this committee, that the said trade to Africa be carried on by a joint stock, exclusive of all others.

Resolved, that it is the opinion of this committee, that, for the better supply of the plantations with negroes, all the subjects of this realm have liberty to trade to Africa for negroes only, within such limits as shall be prescribed by act of Parliament.

Resolved, that it is the opinion of this committee, that the said joint stock, for carrying on the trade to Africa, shall not exceed 200,000 *l.* to be raised by new subscriptions; regard being had to the real value of the stock of the present Royal African Company.

The said several resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill be brought in upon the said resolutions: and that Mr. Attorney-General, Mr. Solicitor-General, and Mr. Conyers, do prepare, and bring in, the bill.¹²⁵ (*Ibid.*, p. 498.)

Mar. 9, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for preventing frauds, and regulating abuses, in the plantation-trade. . . .

Mr. Chadwick reported from the said committee, that they had gone through the bill, and made several amendments; which they had directed him to report to the House, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning.¹²⁶ (*Ibid.*, p. 501.)

Mar. 10, HC. Sir Henry Hobart, according to order, presented to the House a bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, calicoes, imported into the kingdom of England,

¹²⁴ This bill passed the Commons, but the session ended before it was reported out of committee in the House of Lords. A similar measure was passed in 11 Gul. III. (c. 10), but without reference to America. *Statutes*, VII. 598.

¹²⁵ This bill was committed this session but did not pass. See note 53, *ante*; and *post*, pp. 166, 167.

¹²⁶ But it was not made until Mar. 12.

and the plantations belonging thereunto, of the product and manufacture of Persia, and the East-Indies.

The bill was read the first time.

Resolved, that the bill be read a second time.¹²⁷ (*C. J.*, XI. 502.)

Mar. 12, HC. Mr. Chadwick reported from the committee of the whole House, to whom the bill for preventing frauds, and regulating abuses, in the plantation-trade, was committed, the amendments, made by the committee, to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House: and another amendment made to the bill.

A clause was offered, to be added to the bill, for naturalizing his Majesty's subjects in office:

And the same was twice read; and, by leave of the House, withdrawn.

Another clause was offered, to be added to the bill, for merchants to transport servants:

And the same was once read; and, by leave of the House, withdrawn.

Another clause was offered, to be added to the bill, with blanks, that all Irish ships, trading to the plantations, shall give security of persons, of known residence and ability, by bond, to discharge such ships lading in England, Wales, or town of Berwick, or some other English plantation, within eighteen months after the bond given, and produce a certificate of such discharge; otherwise such bonds to be in force:

And the same was twice read; and the blanks filled up; and, upon the question put thereupon, agreed unto by the House, to be made part of the bill.¹²⁸

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, pp. 505-506.)

Mar. 12, HC. A bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained calicoes, imported into the kingdom of England, and the plantations belonging thereunto, of the product and manufacture of Persia, and the East-Indies, was read a second time.

Resolved, that the bill be committed, upon the debate of the House, to a committee of the whole House.

Resolved, that the said bill be committed to the committee of the whole House, to whom the bill for settling and regulating the East-India trade is committed. (*Ibid.*, p. 506.)

Mar. 14, HC. Mr. Conyers, according to order, presented to the House a bill for settling and regulating the trade to Africa: and the same was received. (*Ibid.*, p. 515.)

*Mar. 17, HC.*¹²⁹ A bill for settling and regulating the trade to Africa was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 517.)

¹²⁷ The text of this bill is given in *MSS. H. of L.*, 1695-1697, p. 238. The following day a petition was presented against the bill and rejected. *C. J.*, XI. 504.

¹²⁸ This became section 12 of the act.

¹²⁹ This day also petitions were presented against the spice garbling bill, one from the Lord Mayor and aldermen of London, and one from William Stewart, who held the office of garbling and against whom the West India merchants made complaint (*ante*, p. 154).

Mar. 17, HC. A petition of the merchants of Plymouth, trading to, and interested in, the plantations of Virginia and Maryland, was presented to the House; relating to the bill for settling and regulating the trade to Africa.

Ordered, that the said petition do lie upon the table until the said bill be read a second time.¹³⁰ (*Ibid.*, p. 518.)

Mar. 19, HC. An ingrossed bill for preventing frauds, and regulating abuses, in the plantation-trade, was read the third time.

And several amendments being proposed to be made; *viz.*

Pr. last but one, l. last, to leave out "August", and insert "December"; and to leave out "one moiety", and insert "three fourths, without composition"; and to leave out "fourth";¹³¹

And the same were, upon the question severally put thereupon, agreed unto by the House; and the bill amended at the table accordingly.

Resolved, that the bill do pass: and that the title be, An act for preventing frauds, and regulating abuses, in the plantation-trade.

Ordered, that Mr. Chadwick do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 523.)

Mar. 19, HL. A message from the House of Commons, by Mr. Chadwick and others:

Who brought up a bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade; to which they desire the concurrence of this House.

Hodie 1a vice lecta est billa, intituled, An act for preventing frauds and regulating abuses in the plantation trade. (*L. J.*, XV. 711.)

Mar. 20, HL. *Hodie 2a vice lecta est billa*, intituled, An act for preventing frauds and regulating abuses in the plantation trade.

Ordered, that the said bill be committed to a committee of the whole House, on Tuesday next. (*Ibid.*, p. 712.)

Mar. 20, HC. A bill for the settling and regulating the trade to Africa was read a second time.

Resolved, that the bill be committed, upon the debate of the House, to a committee of the whole House.

Resolved, that this House will, upon Thursday morning next, resolve itself into a committee of the whole House, to consider of the said bill.

Ordered, that the Royal African Company do, upon Monday morning next, lay before this House an account of the real value of their stock, together with their debts.¹³²

The petition of the merchants of Plymouth, trading to, and interested in, the plantations of Virginia and Maryland, which was formerly presented to the House,¹³³ and lay on the table, was, according to order, read; setting forth, that the improvements would soon increase in the planta-

¹³⁰ For the nature of this petition see under Mar. 20.

¹³¹ In section 13 of the printed act. After Dec. 1, 1696, it was not lawful to land plantation goods in Scotland or Ireland without first stopping in England and paying the usual rates and duties, under penalty of forfeiture, three-fourths without composition to his Majesty and the other fourth to the informer.

¹³² This statement was presented Mar. 21, and ordered to lie upon the table to be perused by the members. *C. J.*, XI. 527.

¹³³ On Mar. 17, *ante*.

tions, if they were sufficiently supplied with negroes, where they could make twice as much tobacco in a year as now they do, every negro making as much as will pay 30 or 40 *l.* custom yearly to the king; so that then they could supply the Dutch, and other nations, at much cheaper rates than they can afford to make it; whereby their trade of planting must fall of course, and the use of our shipping more increased: that the African Company have been so far from supplying the said plantations with negroes, for twenty years past, that they have made it their business to influence the men of war sent thither, to stop and seize all such ships as carry negroes thither: and praying, that the subjects of England may have liberty to purchase negroes from Acra to Angola, without any interruption.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for the settling and regulating the trade to Africa is committed. (*C. J.*, XI. 524-525.)¹³⁴

Mar. 23, HL. Whereas to-morrow is appointed for this House to be put into a committee, upon the bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Mr. Edward Randolph,¹³⁵ do attend this House to-morrow, at eleven of the clock. (*L. J.*, XV. 714.)

Mar. 24, HL. In committee of the whole House,¹³⁶ Bp. Salisbury in the chair, Mr. Randolph, who had been ordered the day before to attend, was called in, and stood at the bar.

The first enacting clause was read. Mr. Randolph heard to it. Postponed. Agreed that a clause suitable to the act 22 and 23 Car. II. be prepared.

The next enacting clause, concerning oaths read. Judges to attend to give account how the laws concerning the plantations are consistent one with the other.

The 3rd enacting clause read and agreed to.

The next clause, concerning plantations in America, read and agreed to with the addition of the words "and may plead the general issue, and shall give this or other custom acts in evidence, and the judge to allow thereof" in the last line but two.

The next three clauses agreed.

The next clause, concerning Scotchmen and others, read. The words "or they" in line 17 added.

A clause was offered and read, consisting of two parts. The latter part agreed to, and to come in after § ix (the first four and a half lines of § x). The rest of § x agreed to.

A clause offered and agreed to.

¹³⁴ On Mar. 21 a report was made by the committee to whom was referred the petition, presented Jan. 17, of the owners of the frigate *Betty*, whose prize, the French ship, *St. Joseph*, laden with fish and taken off the banks of Newfoundland, was illegally detained at Cork and retaken by the French through lack of convoy. A resolution was passed agreeing with the petitioners that the detention was illegal. *C. J.*, XI. 395, 526.

¹³⁵ Randolph, always unpopular with the colonists, served in many capacities in America, at one time collector of the customs in New England. A full account of his colonial activities is given in Channing, *Hist. of U. S.*, II. 159-185 *passim*, 254-262.

¹³⁶ To consider the bill preventing frauds and regulating abuses in the plantation trade.

The next clause read, concerning bonds. The words in the last three lines in a separate schedule substituted for "to be in force".

The next clause read. "Scotland" was added in lines 2 and 7; but the entry of a similar addition in § xiv is cancelled.

A clause offered to be added at the end of the bill agreed to. Progress was then reported. (*MSS. H. of L.*, 1695-1697, pp. 233-234.)

Mar. 24, HL. The House was adjourned during pleasure; and put into a committee upon the bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade.

After some time spent therein, the House was resumed.

And the Lord Bishop of Salisbury reported, that the committee had made some progress in the bill; and desire another day may be appointed, for them to proceed therein; and the judges to attend.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lord Chief Justice of the Court of King's Bench¹⁸⁷ do attend this House on Thursday next, at ten of the clock in the forenoon, to give the House an account of the several laws now in force concerning the plantation trade, and whether those laws interfere one with the other; and how they consist with the clauses herewith sent, in the bill for preventing frauds and regulating abuses in the plantation trade. (*L. J.*, XV. 716.)

Mar. 24, HC. The House, according to the order of the day,¹⁸⁸ resolved itself into a committee of the whole House, to consider of the bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, callicoes, imported into the kingdom of England, and the plantations belonging thereunto, of the product and manufacture of Persia, and the East-Indies. . . .

Sir Harry Hobart reported from the said committee, that they had made several amendments to the bill; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning. (*C. J.*, XI. 529-530.)

1696.

Mar. 25, HC. Sir Harry Hobart reported, from the committee of the whole House, to whom the bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, callicoes, imported into the kingdom of England, of the product and manufacture of Persia, and the East-Indies, was committed, the amendments, made by the committee, to the said bill; which he was directed to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House; and other amendments were made by the House to the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 530.)

¹⁸⁷ Sir John Holt. See entries of Mar. 26, 27, *post*.

¹⁸⁸ Postponed by orders of Mar. 17 and 21. *C. J.*, XI. 521, 527.

Mar. 26, HL.¹³⁹ In committee of the whole House, same chairman,¹⁴⁰ the merchants' petition was read.¹⁴¹ The two postponed clauses were read.

L. C. Justice heard: I desire a little more time. (*MSS. H. of L.*, 1695-1697, p. 234.)

Mar. 26, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade.

After some time, the House was resumed.

And the Earl of Rochester reported, that the committee have not been able to proceed in the bill; therefore desire some other time may be appointed, for the House to be put into a committee again.

Ordered, that the House shall be put into a committee again, upon the said bill, to-morrow morning. (*L. J.*, XV. 718.)

Mar. 27, HL. In committee of the whole House, same chairman, the merchants' petition was read.¹⁴² The two postponed clauses were read. Proposed to prolong the time in the bill to 1698. In § i, l. 13, 1698 was substituted for 1697.

Holt, C. J., was heard as to the laws interfering, concerning navigation, and offered a clause drawn by him, to be added to the bill, which was read.

In § i, l. 17, the words "or to the kingdom of England, dominion of Wales, or town of Berwick upon Tweed" were substituted for "or any other English Colony or Plantation"; and in line 22 the words annexed in a separate schedule¹⁴³ were added, and similar words in line 28. Then § ii was added, after amendment.

The next postponed clause read. The words "at the times aforesaid" in line 2 of p. 104 were substituted for some others.

Mr. Randolph was called in and asked if he had prepared a clause for a court of Admiralty. He says it is provided in the act of Charles II. He proposes words to be inserted in the bill.

¹³⁹ In the Commons a petition was this day presented by Bristol merchants, setting forth the advantages to the kingdom of their trade to Africa, and praying consideration in settling and regulating that trade.

¹⁴⁰ Gilbert Burnet, bishop of Salisbury, chairman of the committee to whom the plantation trade bill was referred.

¹⁴¹ Petition of several merchants and owners of ships trading to the plantations. "The Bill, if passed, will restrain the subjects of England to trade in English shipping foreign-built directly to and from the Plantations, which will greatly tend to the prejudice of Petitioners, who are the real owners of several foreign-built ships, which by the Acts of Navigation and Frauds were not debarred trading thither, paying aliens' Customs for the goods imported in such as are not made free. The present want of ships to bring off the yearly product of the Plantations occasions high freights and few goods; and, if such foreign-built ships should be prohibited the said trade, it would be very much to the prejudice of this kingdom, for want of the Plantation goods which already are so scarce and dear. Pray that foreign-built ships with English owners may be made free, or may trade, paying aliens' duties. Signed Josh: Martin, Samuel Eyre, James Clarke, John Couleir, Jo: Woolfe. Endorsed, by mistake, Merchants' Petition v. Seamen's Bill." *MSS. H. of L.*, p. 233.

¹⁴² See two preceding notes.

¹⁴³ "To bee navigated by the Master and Three Fourths of the Mariners English or of the said Plantations as aforesaid and whereof the Property doth belong to English Men." The references here given to section and line agree with the printed version of the act in the *Statutes*, VII. 103.

The words annexed in a separate schedule at line 5 of § vi are substituted for "in any of the said Colonies or Plantations".¹⁴⁴ A clause was offered to be added to the bill, was read twice, and agreed to be added at the end of the bill. Then the preamble agreed to, and the bill ordered to be reported with amendments. (*MSS. H. of L.*, 1695-1697, p. 234.)

Mar. 27, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for preventing frauds, and regulating abuses in the plantation trade.

After some time spent therein, the House was resumed.

And the Earl of Rochester reported, that the committee had gone through the said bill, with several amendments.

Ordered, that the report thereof be made to-morrow morning, before any public business.

Upon reading the petition of several merchants and owners of ships trading to the plantations:¹⁴⁵

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the consideration of the said petition shall be, and is hereby, referred to the same committee to whom the bill, intituled, An act for the increase and encouragement of seamen, was committed. (*L. J.*, XV. 719.)

Mar. 28, HL. The Earl of Rochester reported from the committee of the whole House, the bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade, as fit to pass, with several amendments and provisos.

Which were read twice, and agreed to.

Hodie 3a vice lecta est billa, intituled, An act for preventing frauds and regulating abuses in the plantation trade.

The question was put, whether this bill, with the amendments and provisos, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cook and Sir Richard Holford:

To return the said bill, and desire their concurrence to the amendments.¹⁴⁶ (*Ibid.*, p. 720.)

Mar. 31, HC. The House took into consideration the amendments, made by the Lords, to the bill, intituled, An act for preventing frauds, and regulating abuses, in the plantation-trade:

And the same, being read, were as followeth; *viz.*

1 skin, 32 l. instead of "seven", read "eight".

2 skin, 3 and 4 l. leave out "any other English Colony, or Plantation"; and insert "the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed".

¹⁴⁴ The substituted clause reads: "In the Kingdome of Ireland or in the Court of Admiralty held in His Majesties Plantations respectively where such Offence shall bee committed at the Pleasure of the Officer or Informer or in any other Plantation belonging to any Subject of England."

¹⁴⁵ Note 141, *ante*.

¹⁴⁶ *C. J.*, XI. 537.

13 l. after "Plantations", add "to be navigated by the master, and three-fourths of the mariners English, or of the said plantations, as aforesaid; and whereof the property doth belong to Englishmen".

19 l. after "Kingdom", add "to be navigated, as aforesaid; and whereof the property doth belong to Englishmen".

29 l. after "committed", add the clause A, that merchandize may be imported, or exported, in any prize-ship, after her condemnation, to be navigated, as aforesaid; whereof the property belongs to Englishmen.

3 skin, 34 l. leave out from "oath" to "or", in the 36th l.; and insert "at the times aforesaid".

6 skin, 11 l. after "shall", add "and may plead the general issue; and shall give this or other custom, acts, in evidence; and the judge to allow thereof["].

24 l. after "Westminster, or", add "in the Kingdom of Ireland, or in the Court of Admiralty held in his Majesty's Plantations respectively, where such offence shall be committed, at the pleasure of the officer or informer; or in any other plantation belonging to any subject of England".

25 l. leave out "in any of the said Colonies, or Plantations".

8 skin, 34 l. after "he", add, "or they".

9 skin, 4 l. after "effort", add clause B, that the Commissioners of Treasury and Customs in England shall appoint as many officers of the customs, in all places, as they shall think fit, for executing the acts relating to the plantation-trade.

12 l. after "England", add "or".

19 l. after "informer", add clause C, that all places of trust, relating to the plantations, shall be executed by the native-born subjects of England, Ireland, or the plantations.

10 skin, 29 l. leave out "to be in force", and insert "or copies thereof, being attested under the hand and seal of the governor, or commander in chief, to whom such bonds were given, shall be in force, and allowed of, in any court in England, Ireland, or the plantations, as if the original were produced in court by the prosecutor".

34 l. for "Kingdom", read "Kingdoms"; and after "of", read "Scotland, and".

11 sk. 3 l. for "Kingdom", read "Kingdoms"; and after "of", read "Scotland and".

At the end of the bill, add the clauses D and E.

Clause D, that no person, claiming any right in any island, or tract of land, upon the continent of America, shall dispose of the same without his Majesty's licence, other than to the natural-born subjects of England or Ireland:

Clause E, that after the 25 March 1698. no ship shall be deemed to be English built, so as to be qualified to trade to the plantations, until the same shall be registred upon oath.

The first fifteen of the said amendments, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Amendment 11 skin, l. 3. being read a second time, an amendment was proposed to be made, instead of the last "and", to read "or":

And the same was, upon the question put thereupon, agreed unto by the House.

The residue of the said amendments, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that Mr. Chadwick do carry the bill to the Lords, and acquaint them, that this House hath agreed to the said amendments, with an amendment: to which amendment they desire their Lordships concurrence. (*C. J.*, XI. 539-540.)

Mar. 31, HC. An ingrossed bill for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, callicoës, imported into the kingdom of England, of the product and manufacture of Persia, and the East-Indies, was, according to the order of the day,¹⁴⁷ read a third time.

Resolved, that the bill do pass: and that the title be, An act for restraining the wearing of all wrought silks, bengals, and dyed, printed, or stained, callicoës, imported into the kingdom of England, of the product and manufacture of Persia, and the East-Indies.

Ordered, that Sir Henry Hobart do carry the bill to the Lords, and desire their concurrence thereunto.¹⁴⁸ (*Ibid.*, p. 540.)

Mar. 31, HL. A message was brought from the House of Commons, by Mr. Chadwick and others:

To return the bill, intituled, An act for preventing frauds and regulating abuses in the plantation trade; and to acquaint this House, that they have agreed to the Lords amendments made therein, with an amendment to one of the amendments, whereunto they desire the concurrence of this House.

Which amendment, being read twice, was agreed to; and ordered, that the Commons have notice thereof.¹⁴⁹ (*L. J.*, XV. 722.)

Apr. 1, HL. *Hodie 1a vice lecta est billa*, intituled, An act for restraining the wearing of all wrought silks, bengalls, and dyed, printed, or stained callicoës, imported into the kingdom of England, of the product and manufacture of Persia and the East Indies.

Ordered, that the said bill be read the second time on Friday next. (*Ibid.*, p. 723.)

Apr. 4, HL. After hearing counsel this day, for and against the bill, intituled, An act for restraining the wearing of all wrought silks, bengalls, and dyed, printed, or stained callicoës, imported into the kingdom of England of the product and manufacture of Persia and the East Indies:

Hodie 2a vice lecta est billa, intituled, An act for restraining the wearing of all wrought silks, bengalls, and dyed, printed, or stained callicoës, imported into the kingdom of England, of the product and manufacture of Persia and the East Indies.

¹⁴⁷ *C. J.*, XI. 533.

¹⁴⁸ *L. J.*, XV. 722.

¹⁴⁹ *C. J.*, XI. 541. The royal assent was given Apr. 10. *Ibid.*, p. 555; *L. J.*, XV. 732.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the abovesaid bill shall be committed to a committee of the whole House, on Tuesday next, at eleven of the clock; and that all the petitioners who have petitioned this day, and not heard by their counsel, shall be then heard, or any other persons who shall petition in the mean time; and all the Lords summoned to attend.¹⁵⁰ (*L. J.*, XV. 727.)

Apr. 4, HC. Ordered, that leave be given to bring in a bill for encouraging the subscription for carrying on the Greenland trade: and that Sir Henry Hobart and Mr. Chadwick do prepare, and bring in, the bill.¹⁵¹ (*C. J.*, XI. 545.)

Apr. 6, HC. Sir Henry Hobart, according to order, presented to the House a bill for the better encouragement of the Greenland trade.

The bill was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 545.)

Apr. 8,¹⁵² HC. A bill for the better encouragement of the Greenland trade was read a second time.

Resolved, that the bill be committed to Sir Henry Hobart, Sir John Trevillian, Mr. Nicholas, Mr. Perry, Mr. Farrer, Mr. Freke, Sir Marm. Wivell, Mr. Moore, Sir Godf. Copley, Sir John Kay, Sir John Lowther, Sir Sa. Barnardiston, Mr. Baldwyn, Mr. Duncomb, Sir Wm. Scawen, Mr. Moyle, Mr. Pocklington, Sir Henry Colt, Sir John Bucknall, Mr. Palmes, Mr. Frankland, Mr. Hedger, Mr. Ash, Sir Tho. Littleton, Mr. Frewen, Mr. Foley, Sir Wm. Ashurst, Sir Wm. Honeywood, Sir Wm. Lowther, Mr. Brotherton, Sir Geo. Hungerford: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (*Ibid.*, p. 552.)

Apr. 15, HC. Ordered, that Sir Robert Cotton, Sir Fran. Masham, Mr. Blofeld, Mr. Yates, Mr. England, Mr. Swift, Mr. Fuller, Mr. Stonehouse, Sir Tho. Day, Mr. Slater, Mr. Shackerly, Mr. Mawdit, Mr. Hoar, Mr. Bagnold, Mr. Colt, Mr. Arnold, be added to the committee, to whom the bill for the better encouragement of the Greenland trade is committed. (*Ibid.*, p. 557.)

Apr. 17, HC. Sir Henry Hobart reported from the committee, to whom the bill for the better encouragement of the Greenland trade was committed, that they had made some amendments thereunto; which they had

¹⁵⁰ For hearings on this bill see *MSS. H. of L.*, 1695-1697, pp. 239-243. Sir Thomas Powys, for the linen drapers, upholsterers, and others, stated that never was there so much cloth exported to the Indies, and called attention to the fact that the bill prohibited over 60 particulars from the Indies. John Mennel stated that he often sold small parcels of such goods to merchants for the plantations, who were unable to buy large quantities. The examination of counsel and witnesses on the bill continued on Apr. 7, 8, 9, 17, 20 (*L. J.*, XV. 729, 730, 731, 738, 740). On Apr. 7, London merchants trading into the plantations and West Indies petitioned to be heard on the clause prohibiting the sale of these goods in quantities of less than 50 lbs. *MSS. H. of L.*, p. 245.

¹⁵¹ 7 and 8 Gul. III. c. 33 (*Statutes*, VII. 151). In 1673, by 25 Car. II. c. 7 (this series, I. 398), the whaling trade had been made free to all Englishmen. By 4 Gul. et Mar. c. 17 (*ante*, p. 69), a monopoly was established, in 1692, to continue for 14 years. Because of the war with France and the scarcity of seamen, the company now had no outlet for its capital, hence the present act extended until 1703 the time of payment of the unpaid balance of the £82,000 subscribed. Exemption of duties on oil, blubber, and whale fins, was also granted to the company. By 1 Ann. c. 16, the trade was once more made free.

¹⁵² On Apr. 7, in the Commons, a clause relating to the plantations was offered to the bill for the better security of his Majesty's royal person and government (7 and 8 Gul. III. c. 37), and was twice read, then withdrawn. *C. J.*, XI. 551.

directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 558.)

Apr. 18, HC. An ingrossed bill for the better encouragement of the Greenland trade was read the third time.

Resolved, that the bill do pass: and that the title be, An act for the better encouragement of the Greenland trade.

Ordered, that Sir Henry Hobart do carry the bill to the Lords, and desire their concurrence thereunto.¹⁵³ (*Ibid.*, p. 559.)

Apr. 18, HC. Ordered, that leave be given to bring in a bill for the encouraging the bringing masts, ship-timber, and other naval stores, from his Majesty's plantations; and for making saltpetre there: and that Sir Rowland Gwyn do prepare, and bring in, the bill.¹⁵⁴ (*Ibid.*)

Apr. 20, HL. *Hodie 1a vice lecta est billa*, intituled, An act for the better encouragement of the Greenland trade. (*L. J.*, XV. 739.)

Apr. 21, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the better encouragement of the Greenland trade.

Ordered, that the said bill be committed to a committee of the whole House, presently.

The House was adjourned during pleasure, and put into a committee upon the said bill.

The House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill, with some amendments.

Which, being read twice, were agreed to.

Hodie 3a vice lecta est billa, intituled, An act for the better encouragement of the Greenland trade.

The question was put, whether this bill shall pass, with the amendments?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cook and Mr. Pitts:

To return the said bill, and desire their concurrence to the amendments.¹⁵⁵ (*Ibid.*, pp. 740-741.)

Apr. 22, HC. The House proceeded to take into consideration the amendments, made by the Lords, to the bill, intituled, An act for the better encouragement of the Greenland trade:

And the same were twice read; and, upon the question severally put thereupon, disagreed unto by the House; and are as followeth; viz.

That a conference be desired with the Lords, upon the subject-matter of the said amendments.

And it is referred to Sir Sam. Barnardiston, Sir Robert Cotton, Mr. Moyle, Sir Hen. Hobart, Sir Benj. Newland, Lord Coningsby, Mr. Hev-

¹⁵³ *L. J.*, XV. 739.

¹⁵⁴ Not presented this session.

¹⁵⁵ *C. J.*, XI. 561.

¹⁵⁶ The omission is in the *Journals*.

eningham, Sir Rowland Gwyn, Sir Marm. Wivell, Mr. Newport, Mr. Thompson, Sir John Bolles, Mr. Harcourt, or any five of them, to prepare reasons, to be offered at the said conference: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (*C. J.*, XI. 561.)

Apr. 24, HC. Ordered, that the committee appointed to prepare reasons for a conference with the Lords, touching the Greenland bill, do withdraw, and sit during the sitting of the House. (*Ibid.*, p. 563.)

Apr. 25, HC. Sir Henry Hobart reported from the committee, to whom it was referred to draw up reasons, to be offered at a conference with the Lords, for disagreeing to the amendments, made by them, to the bill, intituled, An act for the better encouragement of the Greenland trade, that they had drawn the same accordingly; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the table: where the same were twice read; and, upon the question put thereupon, agreed unto by the House; and are as follow; *viz.*

The Commons cannot agree to your Lordships amendment, in the 26th line of the first skin:

Because by the act of the 25th of Charles the 2d, and the act of 1^o *Willielmi* and *Mariae*, for the encouragement of the Greenland trade,¹⁵⁷ it is provided, that neither oil, blubber, nor fins, shall pay any custom: and, this act being for the further encouragement of the said trade, the Commons do think, the company ought to have as much or more encouragement now than ever, by reason of the great losses they have sustained, and the difficulty they now labour under by reason of the war; and, without such encouragement, the Commons apprehend, this beneficial trade will be entirely lost.

The Commons cannot agree to your Lordships amendment, in the 14 line of the 2d skin, for the reasons aforesaid.

Ordered, that Mr. Heveningham do go to the Lords, and desire the said conference. (*Ibid.*, p. 564.)

Apr. 25, HL. A message was brought from the House of Commons, by Mr. Heveningham and others:

To desire a conference, upon the subject-matter of the amendments made by this House to the bill, intituled, An act for the better encouragement of the Greenland trade.

To which the House agreed.

Then the Commons were called in; and told, that the Lords agree to a conference; and appoint it presently, in the Painted Chamber.

And the Lords following were named reporters of the said conference:

March. Halifax, *March.* Normanby, *Comes* Lindsey, *Ds.* *Magnus Camerarius*,¹⁵⁸ *Comes* Bridgewater, *Comes* Manchester, *Comes* Sandwich, *Comes* Craven, *Comes* Bradford, *Epus.* Dunelm, *Epus.* Winton, *Epus.* Petrib., *Ds.* Hunsdon.

The Commons being come to the conference; the House was adjourned during pleasure, and the Lords went to the conference.

Which being ended, the House was resumed.

¹⁵⁷ Note 151, *ante*.

¹⁵⁸ Lord Great Chamberlain, the Earl of Lindsey.

And the Earl of Bridgewater reported, that they had attended the conference; and received the Commons reasons for disagreeing with their Lordships in their amendments made to the bill.

Which reasons were read, as follow¹⁵⁹

Then the House, upon consideration of the reasons aforesaid, agreed, not to insist on their amendments made to the said bill; and ordered, that the Commons have notice thereof. (*L. J.*, XV. 744-745.)

Apr. 25, HC. Mr. Heveningham reported, that he having, according to order, been at the Lords to desire a conference, they do agree to the same, presently, in the Painted Chamber.

Ordered, that the members who prepared the reasons for the said conference do manage the said conference.

And the managers went to the conference.

And, being returned;

Sir Henry Hobart reported, that they had given the Lords the reasons for disagreeing to the amendments, made by their Lordships, to the bill, intituled, An act for the better encouragement of the Greenland trade; and left the bill, and amendments, with the Lords.

A message from the Lords, by Sir Miles Cooke and Mr. Pitt:

Mr. Speaker,

We are commanded by the Lords to acquaint this House, that they do not insist upon their amendments made to the bill, intituled, An act for the better encouragement of the Greenland trade.

And then the messengers withdrew.¹⁶⁰ (*C. J.*, XI. 564.)

Session of October 20, 1696-April 16, 1697 (8-9 Gul. III.).

1696.

Oct. 28, HC. And the Earl of Ranelagh presented to the House a list of the land-forces which his Majesty has now in his pay, and which he thinks necessary to be continued and maintained in England, and beyond seas, for the service of the year 1697:

And the same was read; and is as followeth; viz.

Foot.	Troops and companies.	Commission officers.	Non-commission officers.	Private men.	Together.	Pay per annum.			Servants allowed.
						<i>l.</i>	<i>s.</i>	<i>d.</i>	
.... New-York. Company's ...	4	13	32	400	445	6,801	3	4	20
Company at the Leeward Islands	1	3	8	60	71	1,177	2	6	5 ¹

(*C. J.*, XI. 569-571.)

¹⁵⁹ Here are entered the reasons given in the preceding entry.

¹⁶⁰ The royal assent was given Apr. 27, when the session came to an end. *L. J.*, XV. 746.

¹ This account was, on Nov. 3, referred to a general committee to consider the supply to be granted for carrying on the war with France (*C. J.*, XI. 573).

On that day, also, there was presented to the House an account of the deficiencies of the funds, in which it was declared that the duties upon coffee, tea, chocolate, and spices,

Nov. 18, HC. A petition of the mayor, magistrates, and common-council, together with the merchants, and other traders to the Newfoundland, of and from the town of Dartmouth, and parts adjacent, was presented to the House, and read; setting forth, that the trade to Newfoundland hath been anciently the sole propriety of England, and a great advantage to it; but the French have, in a great measure, possessed themselves of that trade: that last season, the French made great devastations there to the English fishery, carrying away their ships out of the harbours, and burning their houses, to their utter ruin:² and praying, that some considerable force may be sent thither early the next spring, for the security of our trade for the future.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion, what remedies they shall conceive necessary to secure the said trade for the future:

And it is referred to Mr. Boscawen, Mr. Vincent, Mr. Haynes, Sir John Lowther, Mr. Henley, Mr. Burrington, Sir Edward Seymour, Sir Henry Goodrick, Sir John Bolles, Mr. Foley, Sir Jos. Herne, Mr. Daniell, Sir Wm. Coriton, Mr. Mountague, Sir Wm. Honeywood, Mr. Farrer, Mr. England, Mr. Baldwyn, Mr. Norris, Lord Coningsby, Mr. Stevens, Lord Spencer, Mr. Hoblyn, Mr. Morgan, Mr. Ash, Mr. How, Mr. Lowther, Mr. Harvey, Mr. Heveningham, Mr. Paggett, Sir Isaac Rebow, Mr. Perry, Sir Edward Aiscough, Mr. Arnold, Mr. Fuller, Mr. Blofeild, Sir John Elwill, Sir Robert Cotten, Sir John Kay, Mr. Phillips, Mr. Mountstevens, Mr. Pocklington, Lord Ashley, Mr. Yard, Sir Wm. Cooper, Mr. Newport; and all that serve for the western counties: and they are to meet this afternoon at five a clock, in the Speaker's Chambers: and have power to send for persons, papers, and records. (*C. J.*, XI. 588.)

Nov. 18, HC. A petition of the mayor, aldermen, and common-council, together with the merchants, and other traders to Newfoundland, from the city of Exon, and parts adjacent, was also presented to the House, and read; setting forth, that that trade is so advantageous to his Majesty's revenues, and the education of seamen, that no other can parallel; but if it be not supported by a considerable force by sea and land, to be sent thither early in the ensuing spring, all our fishing-harbours must inevitably fall into the hands of the enemy, who, this year, took all the traders ships and goods, and burnt their houses, to the ruin of some thousands of his Majesty's subjects: and praying the House to take some speedy care, that so advantageous a trade may not be lost to the nation.

for three years from May 1, 1695, to pay 5 per cent. on the debt for transporting ships to reduce Ireland, had not amounted to more than one-fourth of the amount designed. *Ibid.*, p. 574.

² On Sept. 11, the French, with 11 ships and several hundred men, seized 29 English ships and did considerable damage. *Cal. St. P. Col.*, 1696-1697, pp. 211, 224; see also Prowse, *Hist. of Newfoundland*, pp. 211 *et seq.*, for a general account of the French and English rivalries during this period. Other petitions of similar nature were presented throughout this session. The report of the committee was made on Jan. 29, *post*.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said petition of Dartmouth is referred. (*Ibid.*)

Nov. 20, HC. A petition of the mayor, bailiff, burgesses, and commonalty, together with the merchants, and others, traders to Newfoundland, from the town and county of Poole, and places adjacent, was presented to the House, and read; setting forth, that they conceive the trade to Newfoundland to be the most beneficial to the nation of all others; which will be utterly lost, if a considerable force, both by sea and land, be not sent thither early in the next spring; the French having, last year, ruined the English interest there, and forced them to desert the country: and praying, that a sufficient convoy may be appointed to preserve that trade the ensuing year; and, for the future, that better care be taken for its preservation.

Ordered, that the consideration of the said petition be referred to the committee, to whom the consideration of the petition of the mayor, magistrates, common-council, merchants and traders, of the town of Dartmouth, to the Newfoundland, is referred. (*Ibid.*, p. 589.)

Nov. 24, HC. A petition of the Royal African Company of England was presented to the House, and read; setting forth, that the trade to Guinea cannot be maintained without forts and castles, for the preservation of the Europeans against the natives there, in the way of a joint stock, by companies, who are only able to defray the charge; and therefore, other nations, who trade thither, trade in societies: that the said trade ought to be supported by England; being of greatest advantage to it, by exporting the woollen, and other English manufactures; and in supplying his Majesty's plantations with negroes: that the petitioners have been very great losers by the war; and did, the last session, represent to the House, that unless they should be supported and encouraged, they could not longer maintain their forts and factories; and consequently, that trade would be lost to this nation; many potent rivals lying in wait to supplant the petitioners, who are informed, that the Scotch East-India Company are sending five ships to trade to Africa: that, last session, this House gave leave, that a bill should be brought in; and such proceedings were had thereon, that the petitioners hoped it would pass; but, it coming in late, the same could not be completed: and praying leave to bring in a bill, for preserving and establishing the trade to Africa, according to the charter granted to the said company; or with such alterations, as may be thought necessary.

Ordered, that leave be given to bring in a bill for preserving and establishing the trade to Africa: and that Mr. Blowfeild and Mr. Culliford do prepare, and bring in, the bill.³ (*Ibid.*, p. 592.)

Nov. 25, HC. Mr. Blathwaite, from the commissioners appointed to look after the trade of England, presented the answer of the said commissioners, in obedience to the order of the House, requiring them to lay before this House the present state of our trade.

³ The bill was presented, but it was not until the following session, by 9 and 10 Gul. III. c. 26, that any relief was granted. See note 10, *ante*, p. 89.

And the said answer was read; and is as followeth; *viz.*⁴

Besides the commodities which we have here at home, to carry to market, the plantations furnish us with others: but if the trades of sugars and tobacco are not altogether so thriving in a time of war, as they would be in a time of peace, it is not at all to be wondered, that it is so now; which always was, and always will be.

There is another part of our trade, which, though not of immediate profit, yet it is of absolute necessity; and may be said to be the foundation and support of all the rest: naval stores, for all kind of shipping, especially the Royal Navy of England, are what we can neither trade or subsist without: this, we thought, was another branch of our trade, which deserved an immediate consideration; and therefore we made it one of our first endeavours to look into it: his Majesty's care, we found, had been early turned this way; and, by his order, a ship had been sent to bring samples of all those materials from his own dominions in the West-Indies: this, though it happened not to be so carefully executed, by those who undertook it, that a perfect judgment could be made, by the loading brought from thence, at his Majesty's charge, what naval stores were to be had from thence, fit for the use of his Majesty's fleet; yet, the promising hopes of being supplied with commodities of that moment from our own plantations, in the Northern America, is not thereby lost, or laid aside:⁵ exacter ways of trial, what may be done herein, have been proposed, and are resolved on: and we are inclined to think, the return will answer expectation; and lay foundations for the opening of a new trade to England, as it were, within itself; since, whatever may, at the beginning, be the increase of charge to the buyer here, the whole will circulate amongst the subjects of the crown of England; and, in effect, cost the kingdom nothing; which will be no small improvement of our trade, when it comes thus to cut off so large an article of expences.

The state of our present trade, as it lies in these great branches, which, by their weightiness, and concern to this kingdom, we judged had a right to our first thoughts; we, in obedience to your commands, humbly lay before this honourable House: when longer time shall have given us opportunities of looking further into a subject of so vast an extent, we doubt not but other parts of trade will offer variety of things worthy of consideration.

J. BRIDGEWATER,
TANKERVILLE,
PH. MEADOWS,
WILLIAM BLATHWAITE,
JOHN POLLEXFEN,
ABR. HILL.

Whitehall,
November 24th, 1696.

⁴ The order for the report was made Oct. 30 (*C. J.*, XI. 573). The paragraphs here omitted concern various phases of the woolen industry, the practice of stock-jobbing, and the home fisheries.

⁵ The attempts to secure naval stores from New England had not, up to this time, been satisfactory. Beer, *Old Colonial System*, pt. I., vol. I., pp. 245-246, vol. II., p. 231.

Ordered, that the said answer do lie upon the table, to be perused by the members of the House. (*C. J.*, XI. 593-595.)

Nov. 27, HL. The House (according to order) took into consideration the state of the nation.

Then the House was adjourned during pleasure, and put into a committee thereupon.

And, after some time, the House was resumed.

And the Lord Ferrers reported several heads agreed to by the committee; in pursuance whereof, the orders following were made; (*videlicet*,)

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do lay before this House, on Wednesday the second day of December next, an account, in writing, what the number and condition of the fleet is, either at sea or in harbour; and whether they conceive it sufficient for the protection of England, Ireland, trade, and the plantations. (*L. J.*, XVI. 21.)

Nov. 27, HL. House adjourned during pleasure and put into a committee, L. Ferrers in the chair. . . . The Commissioners of the Admiralty to lay before the House an account of all the shipping of the nation, the condition of it and where it is. . . . Newfoundland is lost; how it came to be lost is worth inquiry. The Commissioners of the Admiralty [to be sent to] for what orders have been given for preservation of our trade and plantations. . . . (*MSS. H. of L.*, 1695-1697, p. 302.)

Nov. 28, HC. Mr. Blofeild, according to order, presented to the House a bill for settling and regulating the trade to Africa: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time upon Monday sevensnight. (*C. J.*, XI. 600.)

Dec. 1, HC. A petition of the mayor, aldermen, and common-council, of the city of Bristol; and also of the merchants, and other inhabitants, within the said city, trading for Newfoundland; was presented to the House, and read; setting forth, that the said trade is very advantageous to this nation; not only as it hath been a nursery for seamen, but also as it enricheth the kingdom by the fish taken out of those seas, and sold in foreign markets: that the said trade hath, of late, been very much neglected; and the traders thither become a prey to the French the last year: and praying the House to take care for the security of the trade to Newfoundland.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of the mayor, magistrates, and common-council, and other traders, of and from the town of Dartmouth, and parts adjacent, is referred. (*Ibid.*, p. 603.)

Dec. 2, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom it was referred to consider further of the supply to be granted to his Majesty, for making good the deficiencies of parliamentary funds, the resolutions of the said committee; which they had directed him to report to the House; and which he

read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that the duties granted by an act, made in the 6th year of King William and Queen Mary, intituled, An act for granting to their Majesties a subsidy of tonage and poundage, and other sums of money payable upon merchandizes exported and imported, be granted and continued to his Majesty, to the 1st of August 1706.⁶

Resolved, that it is the opinion of this committee, that the duties granted by an act, made in the 7th and 8th years of his Majesty's reign, intituled, An act for continuing several duties, granted by former acts, upon wine and vinegar; and upon tobacco, and East-India goods; and other merchandize, imported; for carrying on the war against France; be granted and continued to his Majesty, to the 1st of August 1706.⁷

Resolved, that it is the opinion of this committee, that the duties granted by an act, made in the 4th year of King William and Queen Mary, intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandize, for the prosecuting the present war against France, be granted and continued to his Majesty, to the 1st of August 1706.⁸

The first resolution being read a second time;

And the question being put, that the House do agree with the committee in the said resolution.

The House divided.

The noes go forth.

Tellers for the yeas, Mr. Heveningham, Mr. Chadwick: 211.

Tellers for the noes, Sir Robert Cotton, Mr. Gwynn: 134.

• So it was resolved in the affirmative.

The rest of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House. (*C. J.*, XI. 606-607.)

Dec. 2, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do, with all convenient speed, give this House an account in writing, whether they had any intelligence of the privateers design of going to Newfoundland, or any part of the West Indies; and what care was taken to secure Newfoundland, and our other plantations and trade in those parts, against the enemy.⁹ (*L. J.*, XVI. 28.)

⁶ *Ante*, p. 103. A clause to this effect was incorporated in 8 and 9 Gul. III. c. 20 (*Statutes*, VII. 218).

⁷ *Ante*, p. 149. The continued clauses of that act were incorporated in 8 and 9 Gul. III. c. 20 (*ibid.*).

⁸ *Ante*, p. 78. The new act became 8 and 9 Gul. III. c. 12 (*ibid.*, p. 203), and continued the impositions until May 17, 1697.

⁹ For this account see *post*, p. 184. This same day in committee on the state of the nation Sir George Rooke, pursuant to order (*L. J.*, XVI. 21), presented copies of orders and papers relating to the expedition to Cadiz. Among these was an instruction, Apr. 25, 1696, "to look out for a fleet of twenty-two sail from Barbadoes. . . . and see them safely into some English port". A similar order was sent on Apr. 27. *MSS. H. of L.*, 1695-1697, pp. 302, 304, 309, 310, 311, 329, 331, 336.

Dec. 7, HC. A bill for settling and regulating the trade to Africa was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Saturday morning next, resolve itself into a committee of the whole House, to consider of the said bill. (*C. J.*, XI. 616.)

Dec. 7, HC. A petition of the merchants and planters, trading to, and interested in, the plantations of Virginia and Maryland, was presented to the House, and read; setting forth, that the said plantations are capable of great improvements; but, for want of servants to carry on the work, many plantations are wholly deserted; chiefly occasioned by the unlawful practices of the African Company, by seizing all ships and effects that brought any negro slaves for the service of the plantations, though they would not send so much as one slave thither themselves; whereby the revenue is much decreased, and navigation discouraged; and the consumption of our woollen manufactures much lessened: and praying, that the trade to Africa may lie open to all his Majesty's subjects; whereby the plantations may be cheaply supplied with slaves.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for settling and regulating the trade to Africa is committed. (*Ibid.*)

Dec. 7, HC. A petition of the merchants and planters, trading to, and interested in, the island of Jamaica, was presented to the House, and read; setting forth, that the commodities of the said island are produced by the labour of negroes; and are cheaper or dearer, according to the plenty and price of negroes brought thither from Guiney: that whilst the African Company exercised their power, under pretence of a charter, the said island was not sufficiently supplied with negroes; and those that came were sold partially, and at extravagant rates: that the trade to Africa being open, or in a regulated company, is the only way to make the Jamaica trade advantageous to England, and to sustain the loss by the late earthquake, and the descent of the French, and losses at sea, to the value of 1,200,000 *l.*: that if the trade to Africa be restrained to a company, in a joint-stock, it will be very prejudicial to the Jamaica trade: and praying, that the trade to Africa may be left free to all, or in a regulated company, as that to Turkey.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for settling and regulating the trade to Africa is committed.¹⁰ (*Ibid.*, pp. 616-617.)

Dec. 9, HC. A petition of several merchants of London, and owners of ships, trading to Newfoundland, was presented to the House, and read; setting forth, that the trade to Newfoundland hath been always accounted very beneficial to England; to destroy which, the French have lately taken and burnt several of our harbours and ships there, to the loss of the lives

¹⁰ The following day merchants trading to South Barbary, and merchants and tradesmen of Bristol presented petitions complaining that the restricted trade to Africa was ruining their trade (*C. J.*, XI. 617-618). Dec. 11, a similar petition was offered by sundry merchants of London. *Ibid.*, p. 622.

of many of the king's subjects, and the ruin of many thousands more; and it is feared the French will utterly extirpate our trade there, for the future, unless some considerable force, both of ships and men, be sent thither early the next spring, to re-establish our trade: and praying the care of the House in the premises, for the preservation of the trade to Newfoundland, for the benefit of this nation.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of the mayor, magistrates, and common-council, together with the merchants, and other traders to the Newfoundland, of and from the town of Dartmouth, and parts adjacent, is referred.¹¹ (*C. J.*, XI. 619.)

Dec. 10, HL. In select committee. E. Rochester in the chair. . . .

The Commissioners of the Admiralty deliver in an answer to the last order and also as to the act for registering seamen and as to Newfoundland.¹² They say they have sent orders to the Commissioners of the Navy Board to give account of the condition of the fleet with all expedition, and when they are ready, they will attend with it. Their several papers are read. . . . They withdraw.

Ordered, that the papers relating to Newfoundland and the registering seamen be offered to the House, they not being as yet referred to the committee. . . . (*MSS. H. of L.*, 1695-1697, p. 304.)

Dec. 10, HL. The Earl of Rochester reported, that the committee had received from the Admiralty two papers, in pursuance of the orders of this House of the second instant.

Which were read.

Whereupon the following order was made; (*videlicet*,)

The House this day reading two papers, received from the Commissioners of the Admiralty, pursuant to the orders of the second instant, the one relating to the act for registering of seamen, and the other concerning Newfoundland: it is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the consideration of the said papers shall be referred to the Lords committees appointed to consider the answer received from the Commissioners of the Admiralty, pursuant to the orders of the seven and twentieth November last; who, having considered the same, are to make such report as they shall think fit. (*L. J.*, XVI. 35-36.)

Dec. 12, HC. Ordered, that the Royal African Company do lay before this House an account of the value of their stock as it now stands. (*C. J.*, XI. 624.)

Dec. 16, HC. The House being informed, that Mr. Yard, the accountant of the Royal African Company, attended;

He was called in; and, at the bar, presented to the House, according to order, an account of the value of their stock.

And then withdrew.

Then the said account was read; and is as followeth; *viz.*

¹¹ *Ante*, p. 178.

¹² See under Dec. 2, *ante*.

The State of the Royal African Company of England's Stock.

London, 1^o Decemb. 1696.

Plantation-debts, as will appear by the company's books;

	<i>l.</i>	<i>s.</i>	<i>d.</i>			
At Barbadoes	38,254	5	6			
At the Leeward Islands;	<i>l.</i>	<i>s.</i>	<i>d.</i>			
At Nevis, Helms and Carpenter...	3,177	1	0			
At Nevis, Philip Broom.....	22,055	15	8			
At Mountsuratt	3,602	13	4			
At Antegua	2,545	19	4	<i>l.</i>	<i>s.</i>	<i>d.</i>
				31,381	9	4
At Jamaica, Walt. Ruding, and Company.....	15,543	14	0			
At Jamaica, Sir Wm. Beeston, and Company.....	38,027	11	0	<i>l.</i>	<i>s.</i>	<i>d.</i>
				123,206	19	10
Goods in the factories abroad;						
On the Gold Coast	23,880	4	10			
At Serrelion and Sherbrow	8,988	13	7			
Debts and effects at Gambia	1,800	0	0			
Debts at Cutchew	1,200	0	0			
				35,877	18	5
Goods in voyages;						
In the <i>Kendall</i>	5,005	11	3			
<i>Mary and Margaret</i> galley.....	1,347	10	0			
<i>Success</i>	2,005	18	10			
<i>Sally Rose</i>	3,601	4	5			
<i>Hannibal</i>	9,965	6	8			
<i>Unity</i>	862	11	0			
<i>Return</i>	570	0	0			
				22,757	14	0
Ships;						
The <i>Falconberg</i>	2,293	18	11			
<i>Swallow</i>	1,511	5	11			
<i>Unity</i>	855	6	8			
<i>Sally Rose</i>	892	4	10			
<i>John</i>	412	15	1			
<i>Experiment</i>	661	16	8			
				6,027	8	1
Cash and bills of exchange.....	3,786	18	2			
Gold arrived in England, for the company's proper account.....	12,144	18	4			
Gold at Barbadoes	12,172	4	6			
In sundry goods	19,186	7	9			
Insurance on the <i>Walter and Sarah</i> , a loss.....	4,074	0	0			
Debts, esteemed good	6,916	18	2			
The company's forts and fortifications;						
Serrelion	}			49,000	0	0
Sherbrow						
Dickiescove						
Comendo						
Annamoon						
Fort Royal						
Cabo Corso						
Annamaboe	}					
Winnebagh						
Accraa						
				286,751	7	3
Owing by the company				113,788	7	8
				172,962	19	7
And, in regard that some of the debts standing out in the plantations may be supposed bad, the company are willing to abate.....				30,000	0	0
				142,962	19	7

Besides the company's share of Robert Williamson's debt in the exchequer; and the hopes of 42 tons of elephants teeth, sunk near Chichester.

Robert Williamson's debt to the company is 20,318 *l.* 5 *s.* 6 *d.*

WARWICK YARD, Accountant.

Ordered, that the consideration of the said account be referred to the committee of the whole House, to whom the bill for settling and regulating the trade to Africa is committed. (*C. J.*, XI. 627-628.)

Dec. 29, HC. A petition of the merchants, and others, traders of the city of Bristoll, was presented to the House, and read; setting forth, that the support of the plantations in America is of great advantage to this kingdom, the product of which is raised by the strength of negroes; and, according to the greater or lesser number of slaves there, the plantations flourish: and praying, that the House will lay open the trade to Africa, for negroes, from Acra to Angola, as the House shall think fit.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for settling and regulating the trade to Africa is committed.¹³ (*Ibid.*, pp. 639-640.)¹⁴

1696/7.

Jan. 12, HC. A petition of Elizabeth Harding, Hannah Turner, Katharine Miller, widows, Theophilus Buxton, Jonath. Brinley, John Heath, on behalf of themselves, and a great number of other seamen, and the widows of several hundreds who were killed, and died, in the expedition to the West-Indies, was presented to the House, and read; setting forth, that, in the said expedition, Captain Robert Wilmot went commodore, and took several French prizes;¹⁵ which, with the plunder and slaves also taken, amounted to the value of 20,000*l.* as they can prove: that, before Wilmot's return, he died;¹⁶ and Captain Tho. Butler succeeded him in command; and possessed himself of the said effects; and now combines with Ruth Wilmot, widow and administratrix of Captain Wilmot, to defraud the petitioners of their shares of the prizes, and plunder, to theirs and their families great necessities; and to the discouragement of seamen in general: that the petitioners have, for seven months, applied themselves to the Admiralty; but cannot have any relief: and praying, that they may be admitted to prove the premises; and be relieved therein, as the House shall think fit.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of several merchants of London, relating to letters of marque, is referred:¹⁷ and that they do examine the matter; and report the same to the House. (*Ibid.*, p. 659.)

¹³ Petitions in favor of continuing the monopoly of the Royal African Company were this day received from the clothworkers of Shrewsbury and the weavers of Kidderminster; against the monopoly, from the city of Exeter on behalf of the woolen industry. *C. J.*, XI. 639.

¹⁴ On Dec. 30, in a report received from the committee appointed to consider the regulation of prison abuses, testimony was given to the effect that the warden of Fleet Prison stated that "the rules of his prison extended to the East and West Indies; and when any person was sued to an execution, he could but look over the bar, and have two witnesses to swear he was then actually in prison, though he was 40 miles off". *Ibid.*, p. 641.

¹⁵ Concerning this Hispaniola expedition in 1695, see *Cal. St. P. Col.*, 1693-1696, pp. 547-550, and numerous references indexed under Hispaniola, *id.*, 1696-1697, pp. 202-209.

¹⁶ Off Cuba, in the latter part of 1695. *Id.*, 1693-1696, p. 622.

¹⁷ *C. J.*, XI. 617. No report on the matter of the present petition was made during the session. On Feb. 1, the committee was ordered to sit from day to day. *Ibid.*, p. 685.

Jan. 16, HC. A petition of the Royal African Company of England, was presented to the House, and read; setting forth, that by great losses, and the charge of maintaining several forts and factories, the petitioners are no longer able to maintain the same; and the private traders bearing no part of that charge by which the trade to Africa is defended, the petitioners are rendered incapable to trade at such disproportions: and praying, that there may be some expedient for preserving the said trade to this nation.

Resolved, that this House will, upon Thursday morning next, resolve itself into a committee of the whole House, to consider of the bill for settling and regulating the trade to Africa.¹⁸

Ordered, that the consideration of the said petition be referred to the said committee. (*Ibid.*, p. 663.)

Jan. 21, HC. A petition of several traders to Newfoundland, inhabiting within the city of Bristoll, on behalf of themselves, and many others, was presented to the House, and read; setting forth, that the petitioners are informed, the French have lately taken the town of St. John's, in Newfoundland, and destroyed the English settlement there:¹⁹ and, if some speedy care be not taken, they fear the whole trade to Newfoundland will be lost to this nation; to the impoverishment of the petitioners; and praying, that a sufficient force may be sent thither, to regain what is lost, and to secure what remains of the English interest.

Ordered, that the consideration of the said petition be referred to the committee, to whom several petitions relating to the Newfoundland trade have been referred.²⁰ (*Ibid.*, p. 667.)

Jan. 27, HC. Mr. Moor reported from the committee, to whom the petition of the merchants of London, relating to the Russia Company, was referred. . . . And they produced several witnesses, to prove these matters; . . .

Mr. Samuel Heathcott: That foreigners, Dutch and Hamburgers, do carry great quantities of our woollen manufacture to Russia; and also of our plantation-commodities, particularly indico . . .

Mr. Gould: . . . Believes, if the trade were open, it would expend three times as much of our woollen manufactures, as well as in commodities from the plantations; for they send great quantities of tobacco to the Narve; which is prohibited in Muscovy . . .²¹ (*Ibid.*, pp. 674-675.)

Jan. 29, HC. Sir John Elwill reported from the committee, to whom the several petitions, relating to the trade to Newfoundland, were referred;²² and also to consider of remedies for securing the said trade for the future; that they had examined and considered the matters to them referred; and had come to several resolutions; which they had directed

¹⁸ Continued postponements of the consideration of this bill were made, and the end of the session found the matter unreported.

¹⁹ After an unsuccessful attack by Chevalier Nesmond, the capture of St. John's by D'Iberville and de Brouillon followed in November. All the English settlements were destroyed except Carbonear and Bonavista. Prowse, *Hist. of Newfoundland*, pp. 213-220, 229-232; *Cal. St. P. Col.*, 1696-1697, pp. 305-309, 315.

²⁰ *Ante*, pp. 178, 181, 183.

²¹ A bill was ordered on the resolutions in favor of admitting merchants in the Russia Company, but it did not become a law.

²² *Ante*, pp. 178, 181, 183.

him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

That it appeared, by the testimony of several persons, that the trade to Newfoundland is very profitable to this nation: it promotes navigation, and is a nursery of seamen: it gives employment, in time of peace, to about 140 sail of ships yearly, to make fishing voyages; who carry more than 5,000 men, whereof one-fifth part are land-men, or boys; and that every third year such ships may carry two-fifths of the same; who make ordinarily in a fishing season 200,000 quintals of fish, and 2,000 tuns of train-oil; the greatest part whereof is transported to foreign markets, and some of each brought to England: they carry nothing out of this kingdom but the product and manufactures thereof, salt excepted:

That since the present war, few ships have gone directly to the Newfoundland, to make fishing voyages, for want of convoys, and protections for their men:

That, in January 1695. divers merchants, trading to the Newfoundland, obtained his Majesty's grant, on their petition, of convoys, to go the 10th of March next following, with the fishing ships then bound thither; and of others, on the 10th of June next following, with their ships designed for those parts, to buy fish and train-oil for foreign markets:

That the *Soldadoes*, a frigate of 44 guns, and the *Saphire*, of 32 guns, sailed, in the months of April and May last, with the fishing ships; and that the said merchants, understanding that no men of war were ready to go to the Newfoundland on the 10th of June, as was promised, made application to the Admiralty-Board, on the 17th of June, desiring, that some men of war might be forthwith appointed for that service:

On the 22th of June, the said merchants gave in a list of their ships; and, on the 6th July following, sailing orders were sent to the captains of the *Dreadnought* and *Oxford*, to take them under their protection, and to proceed for Newfoundland:

On the 8th July the *Dreadnought* was ready to sail with ten of the merchants ships mentioned in the aforesaid list; but seven of the other of the said merchant-ships came not from the Downs to St. Hellen's, where the men of war were, till the 12th of July: they did not sail thence till the seventh of August, nor from Plymouth till the first of September; being hindered by contrary winds: these men of war never fetched Newfoundland; but by storm were separated; the *Dreadnought* making for Ireland, and the *Oxford* for Cadiz in Spain:

That the French, the last summer, with seven men of war, or privateers, and two fire-ships, made themselves masters of Ferry-Land, Bay of Bulls, and divers other commodious harbours; destroyed the houses, store-houses, stages, boats, and fishing-craft, in those places; and took about thirty-three vessels, loaden with fish and train-oil; to the ruin of very many families: the captain of the *Saphire*, to prevent the falling of the ship into the enemy's hands, burnt her:

That, in November last, the French, in number about 400, took St. John's; and are now masters of all the English harbours from that place to Renew's; where they are about to raise a fort:

That very few harbours remain in the possession of the English; who are not in a condition to resist the enemy: and that if a competent number of men of war, together with land-forces, be not speedily sent to their relief, and to regain the places taken by the enemy, that very beneficial trade will be wholly lost to the nation.

Whereupon the committee came to these resolutions; *viz.*

Resolved, that it is the opinion of this committee, that the trade to Newfoundland doth very much promote navigation, increase seamen, and is of great profit to this nation, and of advantage to us in the balance of trade.

Resolved, that it is the opinion of this committee, that the great losses sustained in the Newfoundland, were occasioned through want of a sufficient number of men of war, to secure its harbours, and protect the fishery.

Resolved, that it is the opinion of this committee, that an humble address . . . ²³ to his Majesty, that a competent number of men of war, and land-forces, be sent, as soon as conveniently may be, to the Newfoundland, to regain the lost harbours, to cruise on that coast, to guard the fishery, and annoy the enemy trading to those parts.

The first and second resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The third resolution being read a second time;

Resolved, that an humble address be presented to his Majesty, by such members of this House as are of his Majesty's most honourable Privy-Council, that a competent number of men of war, and land-forces, be sent, as soon as conveniently may be, to the Newfoundland, to regain the lost harbours, to cruise on that coast, to guard the fishery, and annoy the enemy trading to those parts. (*C. J.*, XI. 681-682.)

Feb. 2, HC. The Lord Coningsby reported to the House, that their address, in relation to the Newfoundland trade, having been presented to his Majesty, his Majesty was pleased to say, that he had and would take all imaginable care for the retrieving so beneficial a trade. (*Ibid.*, p. 686.)

Feb. 3, HC. A petition of Elizabeth Pullein was presented to the House, and read; setting forth, that her only son George Pullein went on board his Majesty's ship the *Dunkirk*, as second lieutenant, to the West-Indies, where he died on board the said ship, whereof Captain Willmot, who died there also, was commander; and Captain Butler, who succeeded him in command, possessed himself of her son's personal estate, and refuses to do her right: and praying relief therein.

Ordered, that the consideration of the said petition be referred to the committee to whom the petition of Eliz. Harding, and others, is referred.²⁴ (*Ibid.*, p. 687.)

Feb. 3, HC. Sir Thomas Littleton reported, from the committee of the whole House, to whom it was referred to consider further of the supply to be granted to his Majesty, for making good the deficiency of parliamentary funds; and of that part of his Majesty's speech, which relates to the credit of the nation. . . .

²³ The omission is in the *Journals*.

²⁴ *Ante*, p. 186. See under Mar. 24, *post*.

Ordered, that a bill, or bills, be brought in . . . upon the resolutions for continuing the duties of tonage and poundage upon wine, vinegar, and tobacco, and other things, resolved by the House the 2d of December last: ²⁵ and that Mr. Chancellor of Exchequer, ²⁶ Mr. Attorney-General, ²⁷ Mr. Solicitor-General, ²⁸ Sir Walter Young, and Sir Herbert Crofts, do prepare, and bring in, the bill. (*C. J.*, XI. 688-689.)

Feb. 6, HC. A petition of Mary Prince, widow of Captain James Prince, Elizabeth Sterld, widow of Lieutenant William Sterld, Mary Cuningham, widow of Lieutenant Cuningham, and Eliz. Doleman, widow of Ensign Doleman, deceased, was presented to the House, and read; setting forth, that their said husbands were officers in the regiment commanded by Colonel Liliston, which went to Jamaica in January 1694; from which time, the petitioners have not nor can get any account from the said colonel of their husbands arrears, or subsistence; though he hath received their subsistence, and hath paid other officers, who lived to return; but will not pay the petitioners what is due to them; whereby they, and their children, are reduced to very great distress: and praying, that the said colonel may be directed to account with, and pay the petitioners what is due to them, for their late husbands arrears and subsistence.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of John Hakewell, and other troopers, is referred. ²⁹ (*Ibid.*, p. 694.)

Feb. 8, HC. A petition of the merchants and planters trading to, and interested in, the island of Barbadoes, was presented to the House, and read; setting forth, that the bill, now depending in the House, for settling and regulating the trade to Africa, if the same should pass into a law, as the same is now drawn, will be very prejudicial to the trade of the said island, and, in many respects, be detrimental to the interest of England: and praying, that they may be heard, as the House shall think fit, in relation to the said trade, before the said bill do pass.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*, p. 696.)

Feb. 8, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for settling and regulating the trade to Africa. . . .

Mr. Harcourt reported from the said committee, that they had made some progress in the bill; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Saturday morning next, resolve itself into a committee of the whole House, to consider further of the said bill. ³⁰ (*Ibid.*, p. 697.)

²⁵ *Ante*, p. 182.

²⁶ Charles Montagu, afterwards first earl of Halifax.

²⁷ Sir Thomas Trevor, later Baron Trevor.

²⁸ Sir John Hawles.

²⁹ *C. J.*, XI. 603. The report on this petition was made Mar. 18.

³⁰ Postponements are noted Feb. 13, 20, 27, Mar. 6; *ibid.*, pp. 705, 715, 722, 731.

Feb. 11, HL. E. Rochester in the chair.³¹ The report made 20 Jan. 1695, touching trade, was read.³²

Ordered, that the clerk send a copy thereof to the Commissioners for Customs, and that some of them attend on the 15th inst. with an information of what has been done by them in pursuance of the report, and particularly in what bottoms they observe the importations and exportations have been managed, and whether they have anything more to offer, in supplement to the late act concerning the plantation trade.

Ordered, that the Commissioners of Trade be desired to send on the 15th inst. a copy of their commission, with an account of what has been transacted before them in pursuance thereof; and, if they have observed their commission does not contain sufficient power for the securing or improving the trade of this nation, to lay it before their Lordships with their opinion how it may best be supplied, and likewise to acquaint their Lordships with anything that may have occurred to their observation for the better management of the said trade. (*MSS. H. of L.*, 1695-1697, pp. 410-411.)

Feb. 15, HL. E. Rochester in the chair.³³

The secretary of the Commission of Trade delivers in a copy of the said commission,³⁴ as also an account of what has been under their consideration since the opening the commission, which account is read.³⁵

The Commissioners of the Customs are called in.

*Mr. Clarke*³⁶ says Sir Robert Southwell is not well, otherwise he would have attended. He delivers in an account of exportations and importations for the three last years, contained in books they have brought with them.³⁷ He also delivers in an account of the English and foreign ships cleared from and arrived at London and the out-ports from Michaelmas, 1692.³⁸ The papers from the Commissioners of Customs are returned to be signed by them.

³¹ Of the committee, appointed Feb. 10 (*L. J.*, XVI. 94), to consider the state of the trade of the kingdom.

³² *Ante*, p. 153.

³³ Of the same committee.

³⁴ Printed in *MSS. H. of L.*, p. 416; also in *N. Y. Col. Docs.*, IV. 145. Concerning the Board of Trade see note 99, *ante*, p. 158. Its papers and proceedings down to Apr., 1704, are calendared in *Cal. St. P. Col.*; for the period thereafter, its formal proceedings are included in the series, begun in 1920, of *Journals* of the commissioners.

³⁵ Printed in *MSS. H. of L.*, p. 415. "A good part of our time hath been taken up in perusing and considering the transcripts of the public proceedings of those Plantations which have been transmitted to us, and more particularly the Acts of their general assemblies or laws, in order to represent to his Majesty which of those laws may be fit to be continued, and which repealed. . . . The better to enforce the late Act of Parliament for preventing of Frauds and regulating Abuses in the Plantation Trade, and in order to prevent a trade from Scotland and other illegal trades into those parts, we have proposed to his Majesty the settling of Courts of Admiralty there. . . . Upon the preparations of the French (as we apprehended) against the West Indies, we laid before his Majesty an opinion for securing his Plantations and offending the enemy there; wherein his Majesty hath been pleased to give directions. Upon the misfortune that happened in Newfoundland, we also considered that matter, and laid before his Majesty what we humbly conceived to be for his service; upon which his Majesty hath been pleased to signify to us that he will take care therein. . . ."

³⁶ Samuel Clarke, one of the Commissioners of the Customs, as was Southwell.

³⁷ See *ibid.*, p. 421.

³⁸ *Ibid.*

Mr. Randolph,³⁹ called in, delivers in a paper of proposals offered by him formerly to the Commissioners of Customs, which is read. Proposal I being read, *Mr. Clarke* says they made a presentment of the matter in that proposal to the Commissioners of the Treasury. The presentment is what the Commissioners of the Customs thought fit to make upon Mr. Randolph's whole proposals.

Ordered, that the Commissioners of the Customs lay before the committee tomorrow a copy of their presentment; and that for the future they keep an account of what ships the several goods entered in the Custom House in London or in the outports are exported or imported in, and that they make the best estimates they can of the values of the goods so exported or imported.

Mr. Randolph is directed to lay before the committee a copy of the lease made by the late King James, when Duke of York, to Mr. Penn, of that part of Maryland that lies on the sea-coast, whereby the trade of the plantations is so much abused.⁴⁰ (*MSS. H. of L.*, 1695-1697, p. 411.)

Feb. 16, HL. E. Rochester in the chair.

Mr. Randolph says he can find no copy of Mr. Penn's lease, but he has a report of the Attorney-General and the Solicitor-General's report upon the grants to Mr. Penn, which is read.⁴¹

Ordered, that Mr. Penn attend on the 20th inst. with two indentures from the late King James, when Duke of York, dated 24 Aug. 1682, touching the country [county] of Newcastle and the tracts of land depending thereon in America.

Ordered that Mr. Blathwayt produce on the 20th inst. a copy of Col. Fletcher's commission when he went as governor to New York.⁴²

The account delivered in yesterday by the Commissioners of Trade was read.

Ordered, that the Commissioners of Trade produce copies of their representation to the king concerning the settling of courts of admiralty in the plantations under proper officers of his Majesty's appointment, and also acquaint their Lordships whether anything has been laid before his Majesty by them in relation to the governors to be approved of by his Majesty, in pursuance of the late act for preventing frauds etc. in the plantation trade.

³⁹ *Ante*, p. 168, note 135. His proposal for commissions to empower designated persons to administer the oaths to plantation governors, under the provisions of the last navigation act, is printed in *MSS. H. of L.*, pp. 422-425.

⁴⁰ Sussex, Kent, and Newcastle counties, now Delaware; see *post*, p. 195.

⁴¹ Dated July 25, 1694, and printed, *ibid.*, pp. 425-426, signed by Edward Ward and Thomas Trevor. The grants have reference to Newcastle and surrounding country of Delaware. Penn affirmed that "he quietly held and enjoyed all the premises thereby granted as fully as he did the Province of Pennsylvania, until the coming of Col. Fletcher, and his entrance by virtue of his Commission; and that the inhabitants of these countries, as well as those of Pennsylvania, constituted the Assembly held under Colonel Fletcher, who made those laws which are now humbly offered to her Majesty's Royal approbation".

⁴² Governor of New York, 1692-1697. In October, 1692, after Penn had lost his colony through sympathy with James II., Fletcher was also commissioned governor of Pennsylvania. For a general account of Fletcher's administration of the two colonies see Channing, *Hist. of U. S.*, II. 299-303, 315-316, 330, and the references there cited.

Mr. Clarke delivers in a copy of the presentment to the Lords of the Treasury etc.,⁴³ as also an account of the English and foreign ships cleared etc.,⁴⁴ and an account of what they have done in pursuance of the report of 20 Jan. 1695.⁴⁵

Ordered, that Mr. Randolph bring on the 20th a list of all the proprietors of plantations that are independent of the government of his Majesty.

The Commissioners of Customs are directed to consider whether it be necessary to send Mr. Randolph presently with the other officers to the plantations. (*Ibid.*)

Feb. 16, HC. A petition of William Thompson, Herbert Fead, Denis Coniards, Mary Shepherd widow and relict of Roger Shepherd, deceased, serjeants, and Israel Pearson, soldier, was presented to the House, and read; setting forth, that the petitioners served his Majesty for six years in the West-Indies, in the Duke of Bolton's regiment, now Colonel Holt's; and there is five years pay, and three years cloathing, due to them, which they have often demanded of the colonels and agents, but to no purpose: and praying the relief of the House in the premises.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of John Hakewell, and other troopers, is referred.⁴⁶ (*C. J.*, XI. 706.)

Feb. 20, HL. E. Rochester in the chair.⁴⁷

The secretary of the Commission of Trade delivers in the representations ordered on the 16th,⁴⁸ as also Col. Fletcher's commission as governor of New York.⁴⁹

E. Bridgewater lays before the committee the petition of the proprietors of several plantations to his Majesty upon the representation of the 17th Dec. 1696, about erecting of Admiralty courts there.⁵⁰

⁴³ Ordered the previous day.

⁴⁴ *MSS. H. of L.*, pp. 421-422.

⁴⁵ *Ante*, p. 153. This account is printed, *ibid.*, pp. 419-420. In it reference is made to the records of importations and exportations for the past three years, of the number of English and foreign ships arrived from and cleared to foreign ports, and to the intention to bring in a clause in some bill to lengthen the time for administering oaths to plantation governors.

⁴⁶ *C. J.*, XI. 603. There seems to have been no report made on this petition.

⁴⁷ Of the committee on the state of the trade, adjourned from Feb. 16.

⁴⁸ These papers, printed in *MSS. H. of L.*, pp. 426-430, were: Representation of the Council of Trade relating to the governors of plantations under distinct proprieties, to the effect that commissioners be appointed for administering the oaths enjoined by the Navigation Act of 1696 to the governors of the proprietary colonies as well as to the governors of other colonies; representations relating to the settling of admiralty courts in the plantations as conducive to the execution of the trade laws; copy of the Attorney General's opinion concerning the erecting of such courts in the proprietary plantations; a copy of the memorial of the proprietors, agents, and others of the provinces of Carolina, Bahamas, Pennsylvania, East and West Jersey, and Connecticut, on the same subject; representations of the Council of Trade to the king relating to the appointment of Nicholas Webb as governor of Providence, Eleutheria, and other Bahama Islands, at an advanced salary, lest he be tempted to harbor pirates and otherwise violate the navigation laws.

⁴⁹ *Ibid.*, p. 431; printed also in *N. Y. Col. Docs.*, III. 827; and in *Minutes of the Provincial Council of Pa.*, I. 357.

⁵⁰ The substance of the petition was, that inasmuch as the Council of Trade, notwithstanding the several charters granted to the proprietors, urged the erection of admiralty courts in their provinces; and since the Lords of the Admiralty had represented that all governors of royal colonies might be commissioned as vice-admirals; the proprietors,

*Mr. Daniel Blake*⁵¹ says that, being this morning with Mr. Penn, he found him ill of a fever, and he desired him to pray their Lordships to excuse his attendance till he is better, which he hopes will be suddenly.

Mr. Blake is directed to let him know that he attend on the 23rd, which he accordingly undertakes.

Ordered, that Mr. Randolph attend the committee as often as they shall think fit.

Mr. Randolph is called in, and delivers in a list of the proprietors of the plantations that are independent, which is read.⁵²

Ordered that the proprietors of Carolina and the Bahamas, *viz.* E. Craven, E. Bath, L. Berkeley of Stratton, L. Ashley, L. Carteret, Sir John Colleton and John Archdale, junr., attend on the 22nd inst. (*MSS. H. of L.*, 1695-1697, pp. 411-412.)

Feb. 22, HL. E. Rochester in the chair.

*E. Bath*⁵³ acquaints the committee that he is come in obedience to their order, but he has not had opportunity to speak with the other proprietors, and he knows not their Lordships' commands.

therefore, asked for similar commissions for their governors, with equal admiralty jurisdiction. The petition was signed by Daniel Coxe on behalf of himself and the other proprietors. *MSS. H. of L.*, p. 440.

⁵¹ In 1694, Daniel Blake, gentleman, petitioned the customs for appointment as searcher in the port of London (*Cal. Treas. Papers*, 1556/7-1696, p. 360). This is probably the same Blake, then of Chester, Pa., named by Randolph as authority for statements respecting the American plantations. *MSS. H. of L.*, pp. 459, 460.

⁵² Printed, *ibid.*, pp. 440-444. The following representation of Randolph is appended:

"May it please your Lordships,

"The chief end of granting those vast tracts of land, now called Proprieties, to noblemen and others was doubtless to encourage the first undertakers to plant and improve them for the benefit of the Crown, and to be always subject and depending on England, and conformable to the laws thereof. Great numbers of people are now settled in some of those Proprieties, but have been long endeavouring to break loose and set up for themselves, having no sort of regard to the Acts of Trade, and discountenancing appeals to his Majesty in Council. The persons appointed by the Proprieties to be their Governors are generally men of very indifferent qualifications for parts and estate; their maintenance is inconsiderable, which renders their governments precarious also. They have power only (like Civil Magistrates in petty Corporations) to make municipal laws, with consent of the people, for their quiet and peaceable living, as appears by Mr. Penn's Commission to the present Governor, [but are] accountable and always liable to be turned out at the pleasure of those who entrusted them; so that it cannot be presumed that the Proprietors' Governors are directed or any wise concerned to put in execution the several powers and trusts which by the Acts of Trade are reposed in the Governors of the Plantations depending on his Majesty's immediate authority; but [on] the contrary, I am humbly of opinion that it will be judged a high misdemeanour in any of them to attempt [to do so], until they become first qualified by Commission from his Majesty, as are the Governors of Virginia, New York, Barbadoes, etc. (notwithstanding the Proprietors' grants). By which and by no other methods the many pirates, so long and so generally complained of to be harboured and countenanced in some of the Proprieties, and their piracies will be effectually suppressed, the Acts of Trade hitherto eluded will be vigorously executed, the officers of the Customs assisted and encouraged, and the inhabitants, being always secured in their properties, will be happy and secure from all spoil and rapine.

"It is therefore humbly proposed that a Clause be brought in to invest the government of all the Proprieties in his Majesty, with a Saving to the owners and the inhabitants the properties to their lands and possessions, otherwise the Act for preventing Frauds etc. will be ineffectual against the Scotch Act; nor can there be any security against an enemy without a due concurrence of power to be invested in his Majesty, the Proprieties being independent one from the other. All which is humbly submitted by

"ED. RANDOLPH."

⁵³ One of the proprietors of Carolina and of the Bahama Islands. See order of this committee of Feb. 20, *ante*.

The list of proprietors was read, and the following paper, with the abstract mentioned in it, was sent to the proprietors of the Bahama Islands and of Carolina, *viz.*,

The Lords committees appointed to consider of the state of the trade of this kingdom send this abstract of a representation made to his Majesty from the Commission of Trade,⁵⁴ which they think reasonable to be complied with, and desire you will agree to settle a certain allowance upon the governor, and that he may be obliged to give such security as is proposed in this copy of their representation; and that you will consider in like manner of a governor of Carolina, on whom it is desired you will also settle a certain salary, and oblige him to give security, as the several acts relating to trade and navigation and the plantations require, for his obedience to those acts. They desire you will meet and give your answer with what convenient speed may be. (*Ibid.*, p. 412.)

Feb. 23, HL. E. Rochester in the chair.⁵⁵

Mr. Penn, called in, says he has brought the deeds which he had from King James, when Duke of York, relating to Newcastle in America. (They are read.) Says that by virtue of those deeds he has a power of making a governor there. The Duke had so before, and he has so now, he conceives. He has the grant the Duke of York had from the crown. The late act for the plantations has been put in execution. His governor is ready to do what the act obliges. He himself submits to it. (That part of Mr. Randolph's paper which relates to Pennsylvania and Newcastle, etc. is read.)⁵⁶ Desires he may have time to answer, and leave to bring

⁵⁴ For a copy of this representation see *MSS. H. of L.*, p. 427.

⁵⁵ Same committee as above.

⁵⁶ Note 52, *ante*. Concerning Sussex, Kent, and Newcastle, Randolph said: "Mr. Penn is the Proprietor of the soil only. The Duke of York obtained a grant of them from King Charles the Second, with power of government, and soon after let them by lease to Mr. Penn. He has set up a sort of government amongst the inhabitants. Those counties lie above 100 miles upon the southern part of Delaware Bay, the only place upon that bay where they plant tobacco. It is adjoining all along to Maryland, from whence great quantities of tobacco are some years brought over land to Delaware and shipped directly for Scotland. Nine vessels for the year 1690 to the year 1695 have carried tobacco out of the bay to Scotland directly, besides Gustavus Hamilton, the chief factor for the Scotch merchants in Glasgow, and two other vessels, who have since carried their tobacco to Glasgow directly. Pirates are harboured there, and purchase their provisions of bread, beer, etc. at Philadelphia. The Commissioners of the Customs have appointed two officers for those counties, but they will signify little till they are annexed to the government of Maryland, or otherwise, as his Majesty shall be pleased to appoint."

Concerning Pennsylvania, he wrote: "Mr. Penn is the sole Proprietor, and has the right to the soil and government thereof. Mr. Wm. Markham is by Mr. Penn's Commission the present Governor, to whom Samuel Carpenter and John Goodson (both Quakers) were, by another Commission from Mr. Penn, joined in the government with him, but refused to act. Patrick Robinson, a Scotchman, is Secretary of the Province, and David Floyd, a Quaker, is the country's Attorney-General. The Acts of Trade are not observed in this Province. The Judges in the Courts of Judicature are not legally qualified, neither can the officers of the Customs obtain justice for his Majesty. One vessel with Scotch goods came last year from Scotland, and was admitted to an entry at Philadelphia; another about the same time with wine and brandy from Norway, a Dutchman being her master. The Governor is a favourer of the pirates, which came from the South and the Red Sea about three or four years ago, and several Scotchmen are traders there. He desired me to make him Collector of the Customs in Pennsylvania, having (as he wrote me) but a small maintenance; by which your Lordships may please to take notice that Governors under such necessities will be easily tempted to do and connive at unlawful things. Pennsylvania lies in the centre between Maryland and

a charge against Mr. Randolph of his ill-usage of the governors there, etc. (Ordered, that Mr. Penn may have a copy of that part of Mr. Randolph's paper which has been read.) He has laid Capt. Markham's ⁵⁷ name before the Commission of Trade for the king's approbation.

An Order of Council of 9 Aug. 1694 to Col. Nicholson, relating to the prevention of smuggling, is read.⁵⁸

Mr. Penn undertakes to bring a copy of the act made by Col. Nicholson, which he complains of. He will lay before the committee what he thinks for advantage of trade, and he will give an answer in writing on 1 March to Mr. Randolph's paper.⁵⁹

Ordered, that Mr. Randolph's witnesses, *viz.*, Mr. Richard Savage, Mr. Stephen Board, Mr. Peregrine Brown, Mr. Wm. Nichol, Mr. John Taylor, Mr. Ebenezer Chaffin, and Mr. John [Graves],⁶⁰ attend on 1 March, and appear in the meantime at the bar to be sworn. (*Ibid.*)

Feb. 23, HC. Mr. Lowndes, according to order,⁶¹ presented to the House a bill for making good the deficiencies of several funds, therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the publick credit: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time, to-morrow morning.⁶² (*C. J.*, XI. 717.)

Feb. 26, HC. The Lord Coningsby presented to the House a bill for continuing the additional impositions upon several goods and merchandizes: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time.⁶³ (*Ibid.*, p. 721.)

Feb. 27, HC. A bill for continuing the additional impositions upon several goods and merchandize was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*)

Feb. 27, HC. A bill for making good the deficiencies of several funds, therein mentioned; and for enlarging the capital stock of the Bank of

New York, most commodiously for the illegal trade. It will soon become a staple of Scotch and Holland goods. No place has in so short a time been by such ways so greatly improved. The Commissioners of the Customs have appointed a Collector to reside at Philadelphia, but to little purpose till the government be duly regulated in relation to trade." *MSS. H. of L.*, pp. 441-442.

⁵⁷ William Markham, Penn's cousin. His commission as governor is in *Minutes of the Provincial Council of Pa.*, I. 473. See Channing, *Hist. U. S.*, II. 316.

⁵⁸ That Governor Nicholson be instructed to hire one or more small vessels with experienced commanders, to check illicit trading on the coasts of Maryland, Virginia, and Pennsylvania. *Acts P. C. Col.*, II. 272; *Cal. St. P. Col.*, 1693-1696, p. 321.

⁵⁹ *Post*, p. 198.

⁶⁰ Name supplied in source, probably from list printed in same volume, p. 444.

⁶¹ Dec. 2 and Feb. 17. For the purposes mentioned, this act, among other provisions, continued until Aug. 1, 1706, the tonnage and poundage acts (12 Car. II. c. 4, and 6 and 7 Gul. III. c. 7), the act for preventing frauds and regulating abuses in the customs (14 Car. II. c. 11), the act for encouraging the Greenland and plantation trade (25 Car. II. c. 7), and the act granting an imposition upon tobacco and sugar for eight years beginning June 24, 1685 (1 Jac. II. c. 4). 8 and 9 Gul. III. c. 20 (*Statutes*, VII. 218).

⁶² The second reading was postponed until Feb. 27.

⁶³ *Ante*, p. 182, note 8.

England; and for raising the publick credit; was, according to the order of the day, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Wednesday morning next, resolve itself into a committee of the whole House, to consider of the said bill.

. . . . (*Ibid.*)

Feb. 27, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Mr. Popple,⁶⁴ secretary to the Commissioners of Trade, do attend the Lords committees appointed to consider of the state of the trade of this kingdom, on Monday morning next, at ten of the clock in the forenoon; and bring with him a copy of the report made by the Commissioners of the Customs, upon papers presented to them by Mr. Randolph, for suppressing the illegal trade in the plantations; as also a copy of those papers, which, with the report, were presented by them to the committee of Council, the seventeenth of January, one thousand six hundred ninety-five: and also that Mr. Joseph Ormsted do then attend. (*L. J.*, XVI. 107.)

Mar. 1, HL. E. Rochester in the chair.⁶⁵

The report of the Commissioners of the Customs, touching Mr. Randolph's going to the plantations, is read.⁶⁶

Mr. Pople, secretary to the Commissioners for Trade, delivers in a copy of the report of the Commissioners of the Customs to the Commissioners of Trade on 17 January.⁶⁷

⁶⁴ William Popple, secretary of the Board of Trade, 1696-1709. This office was held successively by father, son, and grandson.

⁶⁵ See preceding entry for orders concerning the meeting of this committee.

⁶⁶ Printed in *MSS. H. of L.*, pp. 444-445. It was recommended by the commissioners that Randolph be despatched to the plantations with the officers newly appointed to enforce the trade laws, for the purpose of settling and instructing them.

⁶⁷ These papers, printed *ibid.*, pp. 445-456, are: 1. Order upon the presentment of the Commissioners of the Customs, at the Council Chamber at Whitehall, Jan. 13, 1695/6, in which Randolph's memorials are referred to the Treasury (*Acts P. C. Col.*, II. 294); 2. Presentment of the Commissioners to the Treasury, of Randolph's memorials; 3. Randolph's Memorial No. 1, Dec. 7, 1695, being an account of the state of the American colonies, in relation to the Scottish act, and containing proposals to place South Carolina and the Bahamas under royal control, to annex North Carolina to Virginia, to annex the Three Lower Counties of Pennsylvania to Maryland, West New Jersey to Pennsylvania, East New Jersey and Connecticut to New York, to join Rhode Island to Massachusetts Bay, and to permit neither proprietor nor planter to transfer any land to any Scottish agent or other foreigner under penalty of high treason; 4. Randolph's Memorial No. 2, being an account under 11 heads of the manner in which the trade acts are violated in Virginia, Maryland, and Pennsylvania, how illegal trade has been encouraged through connivance of officers, partiality of courts, fraud, or defects in the acts themselves, and proposing also 11 remedies for the prevention of these evils; 5. Report of the Commissioners of the Customs upon Randolph's memorials; 6. Report of the committee upon the presentment of the Commissioners of the Customs concerning Randolph's memorials (*Cal. St. P. Col.*, 1693-1696, p. 641), stating that the question of the privileges granted by governors to privateers had been referred to the Admiralty, the question of erecting courts of exchequer in the colonies had been referred to the Attorney General, that on the question of placing the grants to proprietors under the king's immediate authority, the Lords desire to know the king's pleasure if they may examine the charters and discourse with the proprietors as to the execution of the navigation and trade acts, and recommending that a circular letter be sent to the governors requiring them strictly to observe the orders given by the Commissioners of the Customs, and that commanders of ships going to the colonies be instructed to assist the officers there; 7. Reference of Randolph's memorials to the Admiralty; 8. Report of the Admiralty upon the foregoing reference, conceiving that the privateers may be treated as pirates, they having no commission from any prince or state; 9. Report of the committee relating to the Scottish acts of trade.

Mr. Penn, called in, delivers in answers in writing to Mr. Randolph's charge.⁶⁸

Mr. Randolph is called in. Mr. Penn's two answers are read.

Mr. Penn: It is impracticable to cheat the king of tobacco this way. The charge and answer are read again.

Stephen Board, sworn, says the list of the ships now showed him (except Matthew Eustis)⁶⁹ is true. It is a list of ships loaded in Pennsylvania with tobacco, and it appears not they have delivered their loading here.

Mr. Randolph, sworn, says he often asked Mr. Markham (Mr. Penn's governor) why the bonds he had taken of several ships he named to him for their returning for England were not put in suit, they having not accordingly come hither, and Mr. Markham only said it was not done. The bonds, he says, are in Mr. Markham's hands, but he has left a list of them with Mr. Webb.⁷⁰

Mr. Penn: Bonds have been taken; it is not our fault that they have not been prosecuted.

Richard Savage, sworn, delivers in a certificate touching a Dutchman's carrying a quantity of goods the land way.⁷¹

Peregrine Brown, sworn, says one Arnaldus Delegrange, a Dutchman, carried 2,000 l. or 3,000 l. in goods the land way, and purchased about 1,000 hogsheads. He knows that one hogshead of tobacco has been carried that way.

Mr. Savage delivers in a list of several instances of an illegal trade and undue practices at Pennsylvania, abstracted out of letters to the Commissioners of the Customs.⁷² They withdraw.

Mr. Penn, recalled, delivers in a copy of the act made by Mr. Nicholson.⁷³ He will offer something for the advantage of trade on the 4th inst., at which time he is directed to attend. (*MSS. H. of L.*, 1695-1697, pp. 412-413.)

⁶⁸ Printed, *MSS. H. of L.*, pp. 456-457. Concerning Randolph's charges, see note 56, *ante*. Penn replied, concerning the Lower Counties, that his title was in fee; that the amount of tobacco grown there did not exceed 600 or 700 hogsheads per annum; that for violations of the laws relating to importation from Maryland, Randolph should be held responsible, since that colony is under his immediate inspection and the naval officer in charge of Penn's territory is of his own appointment; and that the acts of navigation are carefully observed in that province. Penn likewise denied all Randolph's accusations against the honesty of his Pennsylvania officials. If poverty be an objection against his governor, he argued, Randolph "ought not to be Surveyor of the Customs, who, I have reason to believe, is not worth five hundred pounds, if one, in the whole world". Samuel Groome, Robert Ruddle, Jeremiah Bass, Captain Wild, Richard Hill, and Counsellor Wharton are proposed by Penn as witnesses.

⁶⁹ Master of the *Dolphin*, which loaded from Pennsylvania for England Aug. 4, 1694. For the list here referred to, of 28 vessels, see *ibid.*, pp. 462-463.

⁷⁰ Robert Webb, appointed by Randolph marshal of the admiralty court of Pennsylvania and West Jersey. *Cal. St. P. Col.*, 1696-1697, pp. 59, 383.

⁷¹ Statement of Peregrine Browne (the next witness), a storekeeper in Cecil County, Md., setting forth the facts he here relates. *MSS. H. of L.*, p. 465. For Arnaldus de la Grange, of New York and New Castle, Del., see *Journal of Jasper Danckaerts*, ed. Jameson, pp. 49, 236.

⁷² *MSS. H. of L.*, pp. 465-466. Four instances are cited from Carolina, six from Pennsylvania, two from East New Jersey, and three from West New Jersey.

⁷³ An act, passed by the assembly of Maryland, Oct., 1695, imposing a duty of ten per cent. upon all European commodities exported out of that province. Printed, *ibid.*, p. 466, and in *Arch. of Md.*, XXXVIII. 66. Francis Nicholson was commissioned governor of Maryland in 1694. *Cal. St. P. Col.*, 1693-1696, p. 241.

Mar. 1, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for the continuing the additional impositions upon several goods and merchandize. . . .

Mr. Dolben reported from the said committee, that they had gone through the bill, and made some amendments; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning. (*C. J.*, XI. 723.)

Mar. 2, HC. Mr. Dolben reported from the committee of the whole House, to whom the bill for continuing the additional impositions upon several goods and merchandizes was committed, the amendments, made by the committee, to the said bill; which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, pp. 724-725.)

Mar. 3, HC. An ingrossed bill for continuing the additional impositions upon several goods and merchandizes was read the third time.

Several amendments were proposed to be made in the bill; *viz.*

Press 1. l. last, to leave out "first", and "June", and insert "May":

Press 2. l. 7. The same amendments:

And the same were, upon the question put thereupon, agreed unto by the House; and the bill amended at the table accordingly.

Resolved, that the bill do pass: and that the title be, An act for continuing certain additional impositions upon several goods and merchandizes.

Ordered, that Mr. Dolben do carry the bill to the Lords, and desire their concurrence thereunto.⁷⁴ (*Ibid.*, pp. 725-726.)

Mar. 3, HL. *Hodie ia vice lecta est billa*, intituled, An act for continuing certain additional impositions upon several goods and merchandizes. (*L. J.*, XVI. 110.)

Mar. 4, HL. E. Rochester in the chair.⁷⁵

Mr. Penn, being called in and asked what more he has to say in answer to the paper formerly delivered in by Mr. Randolph, delivers in an act made by Governor Nicholson in Maryland.⁷⁶

Mr. Randolph is called in.

Mr. Penn: The ship that brought unlawful goods to Pennsylvania belonged to Delagrange.⁷⁷ She came only into the river and not into the ports, and what ill she did was in one night, which cannot be much. We had no ship strong enough to oppose him. All the care that is possible, at the distance we are at from Pennsylvania, is taken. (Delivers in the paper he promised at the last meeting, for the advantage of trade, which

⁷⁴ *L. J.*, XVI. 110.

⁷⁵ This committee was adjourned from Mar. 1; see above.

⁷⁶ An act, passed in 1695, for the imposition of four pence per gallon on liquors imported into Maryland. Printed in *MSS. H. of L.*, p. 468; *Arch. of Md.*, XXXVIII. 9.

⁷⁷ For statement concerning him, see proceedings of Mar. 1, *ante*.

is read).⁷⁸ Mr. Randolph's governor takes insufficient securities. I have sued one or two, and they are worth nothing.

Ordered, that one or more of the Commissioners of the Customs attend on the 8th inst., with an account in writing of what instructions they have given or are preparing to give the officers they are about to send to the plantations in America, and also an account of what instructions have been given to his Majesty's governors in the said plantations in relation to trade.

Mr. Penn is asked what objections he can make to the putting the government of the proprietors' plantations into the king's hands. The country is nothing worth to him the moment after he shall lose his government. The loss of it will ruin him and his family. This is his right and the support of his family. Without his government he cannot sell an acre of land. He proposes that his deputy governor⁷⁹ shall be approved by the king and give security. He is directed to attend on the 8th inst. (*MSS. H. of L.*, 1695-1697, p. 413.)

Mar. 5, HL. Hodie 2a vice lecta est billa, intituled, An act for continuing certain additional impositions upon several goods and merchandizes.

Ordered, that the consideration of the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee on the said bill.

After some time, the House was resumed.

And the Earl of Manchester reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (*L. J.*, XVI. 112.)

Mar. 6, HL. Hodie 3a vice lecta est billa, intituled, An act for continuing certain additional impositions upon several goods and merchandizes.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

⁷⁸ Penn in this paper offers the belief that the colonies could furnish England with many commodities now obtained from other countries. Pitch, tar, deals, masts, hemp, and flax, equal to those of the Baltic, could be plentifully raised in New England; wine has been made by the Germans and French as far northeast as the Narragansett country in Pennsylvania; Charles II. had worn silk from Virginia; oil was possible in Pennsylvania, fruits in abundance could be raised in Carolina, while all the colonies produced gums, drugs, and potashes. But to obtain these in fitting quantities it was necessary to provide for more hands, especially to encourage foreign labor; secondly, no duty should be imposed upon such articles for a period of seven years; thirdly, there was needed a better discipline, to encourage the people in sobriety and industry. For the prevention of fraud in the tobacco colonies, it is proposed that all masters of vessels keep a record not only of the number of hogsheads loaded, but also of the several marks, showing the name of packer and consignee in each instance; that there be three copies of the clearings, one to come by the ship itself, the other two to be sent to the Commissioners of the Customs; and that the master be bound to the government, as well as the owners, to forfeit £500 for illegal practices. Finally, for better understanding among the king's provinces upon the Continent, and for the better government of America, Penn recommended an annual meeting of deputies for the adjustment of all matters to a common benefit. *MSS. H. of L.*, pp. 471-472.

⁷⁹ Note 57, *ante*.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.⁸⁰ (*Ibid.*, p. 113.)

Mar. 6, HC. The House, according to the order of the day,⁸¹ resolved itself into a committee of the whole House, to consider of the bill for making good the deficiencies of several funds, therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the publick credit. . . .

Sir Thomas Littleton reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider further of the said bill.⁸² (*C. J.*, XI. 731.)

Mar. 8, HL. E. Rochester in the chair.⁸³

Sir Robert Southwell, etc., in pursuance of the order of the 4th inst., produces copies of the instructions given to the governors in the plantations and to their officers to be sent thither, both of which are read.⁸⁴ The commissioners present undertake to move the Commissioners of the Treasury that the king be humbly desired to sign the instructions to the governors as the late kings have done. (Mr. Penn's proposal for advancement of trade the last day is read.)⁸⁵ The commissioners say the governors of the proprietors' islands take no notice of any instructions sent them. They withdraw.

Mr. Randolph delivers in a paper, but it is not read.⁸⁶ (*MSS. H. of L.*, 1695-1697, pp. 413-414.)

Mar. 11, HL. E. Rochester in the chair.⁸⁷

Mr. Randolph's paper, delivered in the last day, is read.

⁸⁰ *C. J.*, XI. 732. The bill received the royal assent on Mar. 8. *Ibid.*; *L. J.*, XVI. 115.

⁸¹ *C. J.*, XI. 727, 729.

⁸² This same report was made on Mar. 8, 10, 11, 13, 17 (*ibid.*, pp. 733, 735, 736, 739). May 15, a report was made showing that the funds granted by the bill would be insufficient to meet the deficiencies, which report was referred to a committee (*ibid.*, pp. 740-741). The bill was further considered Mar. 17, 22 (*ibid.*, pp. 744, 750).

⁸³ See under Mar. 4, *ante*, for previous meeting of this committee.

⁸⁴ Printed in *MSS. H. of L.*, pp. 472-488. There are: 28 instructions prepared by the Commissioners of the Customs for the officers they are about to send to the plantations in America; some forms of invoices, etc.; copy of the commissioners' letter and instructions to the plantation governors on occasion of the Scottish act of trade; and articles of the standing instructions, nine in number, to the colonial governors, in relation to trade.

⁸⁵ Note 78, *ante*.

⁸⁶ Printed, *ibid.*, p. 488. It enumerates the privileges granted by the Scottish Parliament to the Darien Company, whereby the company claims the right to trade in the plantations. The paper concludes: "The Scots have a long time tasted the sweetness of the trade to our Plantations, they paying no duties to his Majesty for the goods they import to the Plantations, nor for the tobacco they carry from thence to Scotland directly, so that they can thereby sell their goods at far cheaper rates and give a better price to the inhabitants for their tobacco than the English merchants can do, which is not to be prevented but by a clause to invest the dominion of all those proprietries in his Majesty, in like manner as are the governments of Virginia, Maryland, and Barbadoes, which will in no wise invade or disturb the property the owners and inhabitants have to the soil, and all the profits and advantages arising from it, but the contrary."

⁸⁷ See preceding entry.

Mr. Penn is called in, and a paper entitled *An Expedient against Fraud in the Plantation trade*, delivered in by him, is read.⁸⁸

Ordered that it be sent to the Commissioners of the Customs, to be considered of by them, and returned on the 15th inst. with their observations thereon.

Ordered, that Mr. Penn may have a copy of the list of the vessels trading to Pennsylvania, etc. delivered in by Mr. Savage.⁸⁹

Ordered, that the Commissioners of the Customs bring on the 15th inst. the instructions to the governors of the king's plantations, undertaken to be prepared by them for the Lords Commissioners of the Treasury, to be laid by them before his Majesty for his royal signature; and that they lay the same before this committee before they are presented to the Lords of the Treasury.

Memorandum: The Lord in the chair acquainted Mr. Penn to the effect following: that the committee are of opinion that the governors for the proprietors should receive the same instructions from the king as his Majesty's governors shall have, and that the proprietors shall be under obligation that those instructions be observed by their deputies, and be liable to answer for their misbehaviour; that, if there be further complaint against the proprietors after this, the Parliament may possibly take another course in this matter, which will be less pleasing to them. (*MSS. H. of L.*, 1695-1697, p. 414.)

Mar. 11, HC. A petition of the Royal African Company of England was presented to the House, and read; setting forth, that the condition of the said company is such, and their charge and losses so insupportably great, that they amount to, since the war, near 400,000 *l.*; and that the state of affairs are such, that they are rendered incapable any longer to continue the trade to Africa, and maintain the forts and factories there upon that foundation: and praying, that their forts and factories may be maintained by such who trade to Africa; or that the petitioners may have leave to dispose of the same, to their most advantage, to such persons who are in amity with this crown; so that thereby they may be enabled to pay their debts.

And a motion being made, and the question being put, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill to regulate and settle the trade to Africa is committed;

The House divided.

The yeas go forth.

⁸⁸ *MSS. H. of L.*, p. 490. In this Penn proposed: that masters and commanders give £2000 for the faithful observance of the navigation laws; that every commander give a true content of his ship's loading; that such certificate be made tripartite, one copy to be kept by the commander for entry into England, a second to be sent to the Commissioners of the Customs in the port of London, the third to be filed in the plantations; that the commander receive a certificate from the commissioners that he had made a legal discharge of his cargo, with penalties for false certificates; that cruisers now allowed in the rivers of Maryland and Virginia be continued, with further encouragement to detect ships coming from any place other than England; and that certain ports in England be assigned for the unloading of tobacco.

⁸⁹ See under *Mar. 1, ante*.

Tellers for the yeas, Mr. Ogle, Mr. Campion: 55.

Tellers for the noes, Sir Walt. Young, Sir Rowland Gwyn: 77.

So it passed in the negative.

Resolved, that the petition be rejected.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the said bill. (C. J., XI. 736.)

Mar. 13, HC. Ordered, that it be an instruction to the committee of the whole House, to whom the bill for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the publick credit. . . .⁹⁰ that they have power to receive a clause to lengthen the time for the governors of the plantations to take the oaths appointed in the act, made the last session of Parliament, for preventing frauds, and regulating abuses, in the plantation-trade. . . . (Ibid., p. 738.)

Mar. 15, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to regulate and settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Saturday morning next, resolve itself into a committee of the whole House, to consider further of the said bill.⁹¹ (Ibid., p. 741.)

Mar. 15, HL. E. Rochester in the chair.⁹²

Sir Robert Southwell delivers in the observations of the Commissioners of the Customs on Mr. Penn's paper sent to them by this committee the last day, which are read.⁹³ He delivers in a copy of the instructions prepared for the king's signature to the governors of his plantations, which is read.⁹⁴

The commissioners withdraw.

Mr. Penn, desiring to be heard, is called in. He offers a paper of proposals for the encouragement of trade in the plantations.

The Commissioners of the Customs are called in, and, the paper being read to them, they desire to consult together, that they may propose what may be proper. The paper is given back to Mr. Penn, he undertaking to give the Commissioners of the Customs a more correct copy. The commissioners are directed, when they have received and considered it, to make a representation thereof to the committee.⁹⁵ They are directed to

⁹⁰ *Sic in Journals.* The clause here authorized was embodied in section 69 of the act (Statutes, VII. 237), and extended the time for taking such oaths to six months after the governor had taken office.

⁹¹ Postponements were made Mar. 20, 25, 29, Apr. 1, 5, 9; the session ended without further action. C. J., XI. 749, 756, 761, 765, 768, 778.

⁹² See under May 11, *ante*.

⁹³ Printed, *MSS. H. of L.*, pp. 491-494. In substance they show that Penn's proposals (of Mar. 11) have been in effect through law and practice.

⁹⁴ Sixteen in number; printed, *ibid.*, pp. 494-499.

⁹⁵ *Ibid.*, pp. 500-504. The commissioners agreed with two of Penn's proposals, *viz.*, that the runaways of one province ought not to be protected in another, and that "the people in the several Colonies, as to their manners, should by the respective magistrates

forbear delivery to the Lords Commissioners of the Treasury of the said instructions till they hear again from the committee. They withdraw. . . . (MSS. H. of L., 1695-1697, p. 414.)

Mar. 15, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the report from the Lords committees appointed to consider of the state of the trade of this kingdom shall be made on Wednesday next, at eleven of the clock. (L. J., XVI. 123.)

Mar. 17, HL. The Earl of Rochester reported from the Lords committees appointed to consider of the state of the trade of this kingdom, heads for an address to be presented to his Majesty, in relation to trade.

Which were read, and agreed to, as follows; (*videlicet*,)

The committee is of opinion, that an address be presented to his Majesty, that an additional instruction be sent to all his Majesty's governors in the plantations, in the manner following, or to the like effect: (*videlicet*,)

And whereas, notwithstanding the many good laws made from time to time, for preventing of frauds in the plantation trade, which have been enumerated in these and former instructions, it is manifest that very great abuses have been, and continue still to be practised, to the prejudice of the same; which abuses must needs arise either from the insolvency of the persons who are accepted for security, or from the remissness or connivance of such as have been or are governors in the several plantations, who ought to take care that those persons who give bond should be duly prosecuted in case of non-performance: you are to take notice, that we take the good of our plantations, and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of England, and to the advancing of the duties of our customs here, that, if we shall be hereafter informed, that at any time there shall be any failure in the due observance of these our present instructions, by any wilful default or neglect on your part, we shall look upon it as a breach of the trust reposed in you by us; which we shall punish with loss of your place in that government, and such further marks of our displeasure as we shall judge reasonable to be inflicted upon you for your offence against us, in a matter of this consequence, that we now so particularly charge you with.

And that your Majesty will be pleased further to direct, that the several proprietors of the plantations, where your Majesty hath no governors of your own nomination, may enter into security here, that their respective deputy governors shall, from time to time, observe and obey all instructions that shall be sent to them from your Majesty, or any acting under your authority, pursuant to the several acts of trade relating to the plantations.

And whereas the colonies of Connecticut, of Roade Island, and Providence Plantation, have their governors and assistants chosen annually by the people there, are become a great receptacle for pirates, and carry on several illegal trades, contrary to the acts for the government of the plan-

be kept to a stricter discipline". The other heads considered are the grievances, that a duty of two per cent. is laid in New York upon all English goods going to the Jerseys, and that heavy duties are also exacted in Maryland upon English goods passing through that colony into Pennsylvania, and upon all liquors brought to Maryland from Pennsylvania. A copy of Penn's paper is appended, and also a report thereon by Charles Brooke, collector in New York.

tations, which said colonies have no proprietors here in England; that your Majesty would be pleased to take care that the governors in these several places be likewise obliged to give security to observe and obey all such instructions as shall be sent to them from your Majesty, or any acting under your authority.

Ordered, that the committee do draw this report into an address to be presented to his Majesty. (*Ibid.*, pp. 125-126.)

Mar. 18, HL. The Earl of Rochester reported from the committee appointed to consider of the state of the trade of this kingdom, the address drawn by them, pursuant to the order yesterday.

Which was read, and agreed to, as follows; (*videlicet*,)

We, the Lords Spiritual and Temporal in Parliament assembled, having taken into our consideration the state of the trade of this kingdom, with reference to the plantations in the West Indies, have found many great abuses of the several good laws that have been made for the government of the said plantations, and very illegal practices continually carried on, to the great detriment of this kingdom, and the lessening of your Majesty's customs here; and particularly, that the act passed in the eighth year of your Majesty's reign hath been greatly obstructed in the observing the rules therein appointed, by the non-compliance of some of the proprietors of several great tracts of land granted by your Majesty's predecessors where the governors are not immediately nominated by your Majesty, as also by the remissness or connivance of your Majesty's own governors:

Towards the remedying of which great abuses for the present, we humbly address to your Majesty, that, besides the instructions usually presented to your Majesty for your royal signature to be sent to the respective governors of the plantations, your Majesty may be pleased, as a further incitement to a stricter performance of their duty to your Majesty, at the close of all the rest of your instructions, that this following direction, or to this effect, may be signified as your Majesty's royal pleasure to every one of the said governors, and to the several proprietors and other governments where the governors are not immediately nominated by your Majesty:

And whereas, notwithstanding the many good laws made from time to time, for preventing of frauds in the plantation trade, which have been enumerated in these and former instructions, it is manifest that very great abuses have been, and continue still to be practised, to the prejudice of the same; which abuses must needs arise either from the insolvency of the persons who are accepted for security, or from the remissness or connivance of such as have been or are governors in the several plantations, who ought to take care that those persons who give bond should be duly prosecuted in case of non-performance: you are to take notice, that we take the good of our plantations, and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of England, and to the advancing of the duties of our customs here, that, if we shall be hereafter informed that at any time there shall be any failure in the due observance of these our present instructions, by any wilful fault or neglect on your part, we shall look upon it as a breach of the trust

reposed in you by us, which we shall punish with the loss of your place in that government, and such further marks of our displeasure as we shall judge reasonable to be inflicted upon you for your offence against us, in a matter of this consequence, that we now so particularly charge you with.

And that your Majesty will be pleased further to direct, that the several proprietors of the plantations where your Majesty hath no governors of your own nomination may enter into security here, that their respective deputy governors shall, from, time to time, observe and obey all instructions that shall be sent to them from your Majesty, or any acting under your authority, pursuant to the several acts of trade relating to the plantations.

And whereas the colonies of Connecticut, of Ròade Island, and Providence Plantation, have their governors and assistants chosen annually by the people there, are become a great receptacle for pirates, and carry on several illegal trades, contrary to the acts for the government of the plantations, which said colonies have no proprietors here in England; that your Majesty would be pleased to take care, that the governors in these several places be likewise obliged to give security to observe and obey all such instructions as shall be sent to them from your Majesty, or any acting under your authority.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lords with white staves⁹⁶ do attend his Majesty with the address.⁹⁷ (*L. J.*, XVI. 127-128.)

Mar. 18, HC. Mr. Gery also reported, from the said committee,⁹⁸ the matter, as it appeared to them, upon the petition of Mary Prince, widow of Captain James Prince; Eliz. Sterld, widow of Lieutenant Sterld; Mary Cuningham, widow of Lieutenant Cuningham; and Eliz. Dolman, widow of Ensign Dolman; deceased; and the resolution of the committee thereupon; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read; and is as followeth; *viz.*

That it appeared to the committee, that their said husbands were officers in the regiment of Colonel Lillingston; with which said regiment they went into Jamaica, in his Majesty's service, the 14 January 1694; from which time to the times of their deaths, there were several sums due to them, upon account of arrears of subsistence:

But that it likewise appeared, that what sums, from time to time, came to Colonel Lillingston's hands, for subsistence of himself and officers, he duly paid to the said officers; and, among them, to the petitioners husbands, as far as the same did extend; and advanced several sums out of

⁹⁶ The Lord High Treasurer, the Lord Steward of the Household, the Treasurer of the Household, the Lord Chamberlain of the Household, and the Comptroller of the Household, were invested with the white staff.

⁹⁷ This address was drawn in the Lords' committee which had been sitting since Feb. 11 (see entries from that date). The committee sat again on Mar. 23, adjourned to Mar. 27, then to Apr. 1. Nothing further is recorded of its proceedings. (*MSS. H. of L.*, p. 414.) On Mar. 26 the Council of Trade and Plantations ordered that a circular be prepared to signify to the plantations the king's pleasure as expressed in this address, that the same be inserted in all future instructions to governors, and that proprietors of plantations give security that their deputy-governors shall obey the king's commands in respect to the acts of trade. *Cal. St. P. Col.*, 1696-1697, p. 409.

⁹⁸ Feb. 6; *ante*, p. 190.

his own pocket, for that purpose; which is yet unpaid him by the crown: but that when the same, and also the remaining arrears due to the regiment, shall be paid, the said colonel is very desirous the petitioners may have their just and full proportions of the same, for their husbands remaining subsistence and pay, to the times of their deaths.

And that thereupon the committee came to the following resolution; *viz.*

Resolved, that it is the opinion of this committee, that there is an arrear of subsistence and pay due to the petitioners, in right of their husbands; but that, Colonel Lillingston never having received the same, the said petition, as against the said colonel, is groundless.

The said resolution, being read a second time, was, upon the question put thereupon, agreed unto by the House. (*C. J.*, XI. 744-745.)

Mar. 22, HL. The Lord Wharton reported his Majesty's answer to the address of this House, presented to him the eighteenth instant; (*videlicet*.)

That his Majesty will take care to comply with their Lordships advice therein, so as to make the same effectual. (*Ibid.*, p. 131.)

Mar. 23, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom was committed the bill for making good the deficiencies of several funds, therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the publick credit; and to which they had joined the bill for granting to his Majesty certain additional duties upon salt, for payment of interest-monies, and other purposes therein mentioned; the amendments, made by the committee, to the said bill; which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, with some other amendments, agreed unto by the House. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, XI. 752.)

Mar. 24, HC. Sir Rowland Gwyn reported, from the committee, to whom the petition of Eliz. Harding, and other widows of seamen, who were killed and died in the expedition to the West-Indies, was referred,⁹⁹ the matter, as it appeared to the said committee; which he read in his place; and afterwards delivered in at the table.

Ordered, that the said report do lie upon the table, to be perused by the members of the House.¹⁰⁰ (*Ibid.*, p. 753.)

⁹⁹ Jan. 12, Feb. 3; *ante*, pp. 186, 189.

¹⁰⁰ This same day there was presented in the Commons a petition of Mary Stocker, widow, asking for justice and satisfaction in the case of her husband, Captain John Stocker of the *Hawke*, a frigate bound on a fishing voyage to Newfoundland, who while raising seamen for that purpose was murdered by one Carlton, employed to impress men for the king's service. This was done contrary to the king's orders to all western ports of England not to impress men bound for Newfoundland. This petition was committed the following day and a report thereon made on Apr. 14, when resolutions were passed recommending the condition of the petitioner to the king, and expressing belief that if the orders of the Commissioners of the Admiralty, not to press any seamen bound for Newfoundland, had been observed by their secretaries, the death of Captain Stocker might have been prevented. *C. J.*, XI. 753, 755, 783-784.

1697.

Mar. 26, HC. The said ingrossed bill was read the third time.¹⁰¹

Then the question being put, that the bill do pass;

The House divided.

The yeas go forth.

Tellers for the yeas, Sir Walter Young, Mr. Chadwick: 97.

Tellers for the noes, Sir John Bolles, Mr. Tredenham: 46.

So it was resolved in the affirmative.

Ordered, that the title be, An act for making good the deficiencies of several funds, therein mentioned; and for enlarging the capital stock of the Bank of England; and for raising the publick credit.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.¹⁰² (*C. J.*, XI. 757-758.)

Mar. 29, HL. *Hodie 1a vice lecta est billa*, intituled, An act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England, and for raising the public credit. (*L. J.*, XVI. 138.)

Mar. 30, HL. *Hodie 2a vice lecta est billa*, intituled, An act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England, and for raising the public credit.

Ordered, that the said bill be committed to a committee of the whole House, to-morrow, at eleven of the clock; and all the Lords summoned to attend. (*Ibid.*, p. 139.)

Mar. 30, HC. A petition of sundry persons, in behalf of themselves, and others, who have monies on the duties of wine, vinegar, and tobacco, was presented to the House:

And a motion being made, and the question put, that the said petition be read;

It passed in the negative. (*C. J.*, XI. 763.)

Mar. 31, HL. The House was adjourned during pleasure, and put into a committee on the bill, intituled, An act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England, and for raising the public credit.

After some time, the House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (*L. J.*, XVI. 140.)

Apr. 1, HL. *Hodie 3a vice lecta est billa*, intituled, An act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the Bank of England, and for raising the public credit.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

¹⁰¹ See title below.

¹⁰² Mar. 27; *L. J.*, XVI. 136.

Ordered, that the Commons have notice, the Lords have agreed to the abovesaid two bills, without any amendment.¹⁰³ (*Ibid.*, p. 141.)

Apr. 7, HC. Sir Thomas Littleton reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supply granted to his Majesty, for carrying on the war against France, for the service of the year 1697. instead of the duty upon wines; and who were impowered to consider of an equivalent for the duty laid upon the manufactures made of, or mixed with, wool, silk, or hair, if they should think fit; the resolutions of the said committee; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the table: where the same were read; and are as followeth; *viz.*

Resolved, that it is the opinion of this committee, that, for raising the sum of six hundred thousand pounds, towards the supply granted to his Majesty, for carrying on the war against France, for the service of the year 1697. instead of the duty upon wines, the duties of the old subsidy of tonage and poundage upon goods imported, dyeing wares excepted, according to the book of rates, settled in the year 1660. be doubled, for the term of two years and three quarters. . . .

The first resolution, being read a second time, was, upon the question put thereupon, agreed unto by the House.

Ordered, that a bill, or bills, be brought in, pursuant to the said resolutions; and that Mr. Attorney-General and Mr. Lownds do prepare, and bring in, the same. (*C. J.*, XI. 773.)

Apr. 9, HC. Mr. Lounds, according to order, presented to the House a bill for granting to his Majesty a further duty of tonage and poundage upon merchandize imported, for the term of two years and three-quarters; and an additional land-tax, for one year; for carrying on the war against France: and the same was received; and read the first time.¹⁰⁴

Resolved, that the bill be read a second time, to-morrow morning. (*Ibid.*, p. 778.)

Apr. 10, HC. A bill for granting to his Majesty a further subsidy of tonage and poundage upon merchandize imported, for the term of two years and three-quarters; and an additional land-tax, for one year; for carrying on the war against France; was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

¹⁰³ The royal assent was given this same day. *Ibid.*, p. 141; *C. J.*, XI. 765.

¹⁰⁴ 8 and 9 Gul. III. c. 24 (*Statutes*, VII. 259). Certain changes in the old act (*ante*, p. 103) were made: spices, except pepper, imported directly from the place of growth in English shipping, were rated to pay one-third of the charge rated in the book of rates; plantation tobacco was not charged with the additional duty of one penny per lb. over and above the subsidy mentioned in the book of rates, and for all such tobacco exported within one year after importation the further subsidy of one penny hereby granted was to be repaid at the custom house; a drawback was also allowed upon American sugar upon exportation, as well as upon plantation sugars refined in England; the importer of tobacco was allowed three months in which to pay the additional subsidy, and a discount for prompt payment; ginger from the West Indies was to pay 2 s. per cwt.; and after May 1, 1697, cut whalebones, except in fins, were to be forfeited as well as double the value of the merchandise.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider of the said bill.

Resolved, that it be an instruction to the said committee, that they have power to consider of the rates laid upon prize-goods. (*C. J.*, XI. 780.)

Apr. 12, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill for granting to his Majesty a further duty of tonage and poundage upon merchandizes imported, for the term of two years and three-quarters; and an additional land-tax, for one year; for carrying on the war against France. . . .

Sir Tho. Littleton reported from the said committee, that they had gone through the bill, and made several amendments; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 782.)

Apr. 13, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom the bill for granting to his Majesty a further subsidy of tonage and poundage upon merchandizes imported, for the term of two years and three-quarters; and an additional land-tax, for one year; for carrying on the war against France; was committed; the amendments, made by the committee, to the said bill; which he read in his place, with the coherence; and afterwards delivered in at the clerk's table: where the same were once read through-out; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .¹⁰⁵

Another clause was offered, to be added to the bill, that the importer of tobacco shall have three months time after importation to pay the duty thereon, giving security; and 10 *l.* per cent. allowed for prompt payment:

And the same was twice read; and, upon the question put thereupon, agreed unto by the House to be made part of the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 783.)

Apr. 14, HC. An ingrossed bill for granting to his Majesty a further subsidy of tonage and poundage upon merchandize imported, for the term of two years and three-quarters; and an additional land-tax, for one year; for carrying on the war against France; was read the third time. . . .¹⁰⁶

Resolved, that the bill do pass: and that the title be, An act for granting to his Majesty a further subsidy of tonage and poundage upon merchandize imported, for the term of two years and three-quarters; and for an additional land-tax, for one year; for carrying on the war against France.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 785.)

Apr. 14, HL. *Hodie ia vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage upon mer-

¹⁰⁵ Leave was given this day to bring in clauses of credit and of appropriation of the money to be raised by the bill; these were now included.

¹⁰⁶ Additional clauses were added, for allowing drawbacks upon the exportation of foreign goods within a certain time, and for excluding from the provisions of the bill any charge upon naval stores already contracted for.

chandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France. (*L. J.*, XVI. 159.)

Apr. 15,¹⁰⁷ HL. *Hodie 2a vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France.

Ordered, that the said bill be considered, in a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee on the said bill.

After some time, the House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (*Ibid.*, p. 160.)

Apr. 16, HL. *Hodie 3a vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France.

The question was put, whether this bill shall pass?

It was resolved in the affirmative. . . .

Ordered, that the Commons have notice, the Lords have agreed to the abovesaid two bills, without any amendment.¹⁰⁸ (*Ibid.*, p. 162.)

Session of December 3, 1697-July 5, 1698 (9-10 Gul. III.).¹

1697.

Dec. 13, HC. The Earl of Ranelagh, according to order, presented to the House an abstract of the arrears due to the land-forces, guards, and garisons.

And the same was read; and is as followeth; viz. . . .

To clear the arrear of subsistence due to . . . the regiment and companies in the West Indies, from the first of January 1696, to the 20th of November 1697, inclusive; . . . 21,348 l. 9 d. . . . (*C. J.*, XII. 6.)

Dec. 17, HC. Mr. Moor, from the commissioners of transportation, presented to the House an account of the debt owing for transport-service. . . .

¹⁰⁷ This day in the Commons the bill for the more effectual relief of creditors in cases of escapes and for preventing abuses in prisons and other privileged places received a number of amendments, among which were clauses to the effect that rescuers of prisoners taken by any officer should pay a fine of £500 or suffer transportation to the plantations for the term of 7 years, with the usual alternative of death for returning before the expiration of that time. Transportation was also the penalty for harboring or concealing a rescuer. (*C. J.*, XI. 786; *Statutes*, VII. 274.) This bill became 8 and 9 Gul. III. c. 27.

¹⁰⁸ *C. J.*, XI. 789. The royal assent was given the same day. *L. J.*, XVI. 162.

¹ Since the adjournment of the last session, England and France had settled their differences and the treaty of Ryswick had been signed. See F. G. Davenport, *European Treaties bearing on the History of the U. S.*, II., doc. 84.

There is also a debt due for freight to ships that were sent with provisions to Newfoundland; and to ships that carried horses and men of his Majesty's army to Holland; and to tradesmen, for provisions for them; and for cask, stabling, deals for platforms, etc. . . . 28,593 *l.* 14 *s.* 6½ *d.* (C. J., XII. 11.)

1697/8.

Jan. 8, HC. A petition of the sergemakers, clothiers, fullers, and others concerned in the woollen-manufacture, in Taunton, and places adjacent, was presented to the House, and read; setting forth, that by reason of the great growth of the woollen manufacture in Ireland; the great demands they have for the same from Holland, New-England, and other parts, which used to be supplied by England; the vast numbers of our workmen that go thither; the cheapness of wool and provisions there, and the decay of trade here; they are able to under-sell the petitioners at least 20 per cent.; which, if not speedily remedied, will endanger the loss of the woollen manufactures to this kingdom: and praying, that the House will take into consideration the true state of the nation, in relation to Ireland, and make such provisions for mutual trade between us and them, under such limitations and encouragements, as may be for the honour, interest, and safety, of the government, the encouragement of the woollen manufacture, trade, and navigation.

Ordered, that the consideration of the said petition be referred to the committee appointed to consider of the trade of England and Ireland; and how to make the trade of this kingdom more beneficial.² (*Ibid.*, p. 37.)

Jan. 18, HC. Mr. Lowndes, according to order,³ presented to the House an account of the grants made since the 3d day of December 1696.

And the same was read; and is as followeth; *viz.*

A grant to Richard Earl of Bellamont, and others, of all the goods of pirates, which have been, or shall be, taken in America by the *Adventure Gally*, whereof Captain William Kidd was commander.⁴

Ordered, that the said accounts do lie upon the table, to be perused by the members of the House: and that the same be taken into consideration upon Friday morning next. (*Ibid.*, pp. 48-50.)

Jan. 20, HC. Sir Henry Goodrick presented to the House

An estimate of the charge of the office of his Majesty's ordnance for land-service, for the year 1698.

² A bill was passed by the Commons, but failed in the Lords, to encourage the woollen manufactures in England and to restrain the exportation of wool and woollen manufactures from Ireland into foreign parts. Instead, an address was made to the king, asking him to discourage the manufacture of woollens in Ireland in favor of the linen industry there. C. J., XII. 44, 53, 57, 67, 99, 123; L. J., XVI. 221, 242, 250, 276, 309, 314.

³ Jan. 11, 15, 17; C. J., XII. 41, 46, 47.

⁴ Before going to New York as the successor to Governor Fletcher, Bellomont entered into an agreement with Kidd and Robert Livingston of New York, for a privateering expedition under Kidd's command. This agreement is printed in *N. Y. Col. Docs.*, IV. 762. The subsequent career, trial, and execution of Kidd may best be followed in J. F. Jameson, *Privateering and Piracy in the Colonial Period*, pp. 190 *et seq.* For further parliamentary references to him, see *post*, pp. 310-336.

And the same were read; and are as follow; *viz.*

Charge of engineers sent to the plantations; *viz.*

Barbadoes, Jamaica, Leeward Islands, Bermu-	l.	s.	d.
dus, and New-York	1,405	5	0

Ordered, that the consideration of the said account, and estimate, be referred to the committee of the whole House, who are to consider further of the supply to be granted to his Majesty. (*Ibid.*, pp. 54-55.)

Jan. 28, 1698. The House being informed, that Mr. Popple, the secretary to the Council of Trade, attended;

He was called in; and presented to the House a copy of the commission and instructions for the Council of Trade.

And then he withdrew.

And the said copy was read; and is as followeth; *viz.*

William the Third, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc., to our Chancellor of England, or our Keeper of our Great Seal of England, for the time being; our President of our Privy-Council for the time being; our keeper of our Privy-Seal for the time being; our First Commissioner of our Treasury, and our Treasurer of England, for the time being; our First Commissioner of our Admiralty, and our Admiral of England, for the time being; our Principal Secretaries of State, for the time being; and the Chancellor of our Exchequer, for the time being; to our right-trusty and right well-beloved cousins and counsellors, John Earl of Bridgwater, and Ford Earl of Tankerville; to our trusty and well-beloved Sir Philip Meadows knight, William Blathwaite, John Pollexfen, John Lock, Abraham Hill, and George Stepney esquires; Greeting: Whereas we are extremely desirous, that the trade of our kingdom of England, upon which the strength and riches thereof doth in a great measure depend, should, by all proper means, be promoted and advanced: and whereas we are persuaded, that nothing will more effectually contribute thereunto, than the appointing of knowing and fit persons to inspect and examine into the general trade of our said kingdom, and the several parts thereof; and to inquire into the several matters and things, herein after-mentioned, relating thereunto; with such powers and directions as are herein after specified and contained: Know ye therefore, that we, reposing especial trust and confidence in your discretions, abilities, and integrities, have nominated, authorized, and constituted, and do, by these presents, nominate, authorize, and appoint, the said Chancellor, or Keeper of our Great Seal, for the time being; the President of our Privy Council, for the time being; the Keeper of our Privy Seal for the time being; the First Commissioner of our Treasury, or Treasurer, for the time being; the First Commissioner for executing the office of Admiral, and our Admiral, for the time being; our Principal Secretaries of State, for the time being; and our Chancellor of the Exchequer, for the time being; and you, John Earl of Bridgwater, Ford Earl of Tankerville, Sir Philip Meadows, William Blathwaite, John Pollexfen, John Lock, Abraham Hill, and George Stepney; or any three or more of you; to be our commissioners, during our royal pleasure, for promoting the trade of this our kingdom; and for inspecting and improving our plantations in America, and elsewhere. And to the end that our royal purpose and intention herein may the better take effect; our will and pleasure is, and we do hereby order, direct, and appoint, that you do diligently and constantly, as the nature of the service may require, meet together, at such place, in our palace of Whitehall, which we have assigned

for that purpose; or at any other place, which we shall appoint, for the execution of this our commission. And we do, by these presents, authorize and impower you, our said commissioners, or any three or more of you, to inquire, examine into, and take an account of, the state and condition of the general trade of England; and also of the several particular trades into all foreign parts; and how the same are respectively advanced, or decayed; and the causes or occasions thereof: and to inquire into, and examine, what trades are, or may prove, hurtful; or are, or may be made, beneficial to our kingdom of England; and by what ways and means the profitable and advantageous trades may be more improved and extended; and such as are hurtful, or prejudicial, rectified, or discouraged: and to inquire into the several obstructions of trade, and the means of removing the same; and also in what manner, and by what proper methods, the trade of our said kingdom may be most effectually protected and secured in all its parts: and to consider by what means the several useful and profitable manufactures, already settled in our said kingdom, may be further improved; and how, and in what manner, new and profitable manufactures may be introduced. And we do further, by these presents, authorize and require you, our said commissioners, or any three or more of you, to consider of some proper methods, for setting on work, and employing, the poor of our said kingdom, and making them useful to the publick; and thereby easing our subjects of that burden; and by what ways and means such design may be made most effectual: and, in general, of all such methods and ways, that you in your discretions shall think best to inform yourselves, of all things relating to trade, and the promoting and encouragement thereof: as also to consider of the best and most effectual means to regain, encourage, and establish, the fishery of this kingdom. And our further will and pleasure is, that you, our said commissioners, or any four or more of you, do, from time to time, make representations, touching the premises, to us, or to our Privy-Council, as the nature of the business shall require: which said representations are to be in writing, and to be signed by four or more of you. And we do hereby further impower and require you, our said commissioners, to take into your care all records, grants, and papers, remaining in the Plantation-Office, or thereunto belonging: and likewise to inform yourselves of the present condition of our respective plantations, as well with regard to the administration of the government, and justice, in those places, as in relation to the commerce thereof: and also to inquire into the limits, soil, and product, of our several plantations; and how the same may be improved; and of the best means for easing and securing our colonies there; and how the same may be rendered most useful and beneficial to our said kingdom of England. And we do hereby further impower and require you, our said commissioners, more particularly, and in a principal manner, to inform yourselves, what naval stores may be furnished from our plantations, and in what quantities; and by what methods our royal purpose of having our kingdom supplied with naval stores from thence, may be made practicable, and promoted: and also to inquire, and inform yourselves, of the best and most proper methods of settling and improving in our plantations such other staples and manufactures, as our subjects of England are now obliged to fetch and supply themselves withal from other princes and states; and also, what staples and manufactures may be best encouraged there; and what trades are taken up and exercised there, which are, or may prove, prejudicial to England, by furnishing themselves, or other our colonies, with what hath been usually supplied from England; and to find out proper means of diverting them from such trades, and whatever else may turn to the hurt of our kingdom of

England: and to examine, and look into the usual instructions given to the governors of our plantations; and to see, if any thing may be added, omitted, or changed, therein, to advantage: to take account yearly, by way of journal, of the administration of our governors there; and to draw out what is proper to be represented and observed to us: and, as often as occasion shall require, to consider of proper persons to be governors, or deputy-governors, or to be of our Council, or of our counsel at law, or secretaries, in our respective plantations; in order to present their names to us, in Council. And we do hereby authorize and empower you, our said commissioners, to examine into, and weigh, such acts of the assemblies of the plantations, respectively, as shall from time . . . ⁵ be sent or transmitted hither, for our approbation; and to set down, and represent, as aforesaid, the usefulness, or mischief, thereof to our crown, or to our said kingdom of England, or to the plantations themselves, in case the same should be established for laws there: and also to consider, what matters may be recommended, as fit to be passed in the assemblies there: to hear complaints of oppressions, and male-administrations, in our plantations; in order to represent, as aforesaid, what you in your discretions shall think proper: and also, to require an account of all monies given for publick uses, by the assemblies in our plantations; and how the same are, and have been, expended, or laid out. And we do, by these presents, authorize and empower you, our said commissioners, or any three of you, to send for persons and papers, for your better information in the premises; and, as occasion shall require, to examine witnesses, upon oath; which oath you are hereby empowered to administer, in order to the matters aforesaid. And we do declare our further will and pleasure to be, that you, our said commissioners, do, from time to time, report all your doings, in relation to the premises, in writing, under the hands of any four of you, as aforesaid, to us, or to our Privy-Council, as the nature of the thing shall require. And we hereby further authorize and empower you, our said commissioners, to execute and perform all other things necessary, or proper, for answering our royal intentions in the premises. And we do further give power to you, our said commissioners, or any three of you, as aforesaid, from time to time, and as occasion shall require, to send for, and desire the advice and assistance of our Attorney or Solicitor General, or other our counsel at law. And we do hereby further declare our royal will and pleasure to be, that we do not hereby intend, that our Chancellor of England, or Keeper of our Great Seal, for the time being; the President of our Privy-Council, for the time being; the Keeper of our Privy-Seal, for the time being; the Treasurer, or First Commissioner of our Treasury, for the time being; our Admiral or First Commissioner for executing the office of Admiral, for the time being; or our Principal Secretaries of State, for the time being; should be obliged to give constant attendance at the meetings of our said commissioners; but only so often, and when the presence of them, or any of them, shall be necessary and requisite, and as their other publick service will permit. Lastly, we have revoked and determined, and by these presents do revoke and determine, certain letters patents, under the great seal of England, bearing date the 15th day of May, in the 8th year of our reign;⁶ whereby we constituted and appointed all the persons above-named, except the said George Stepney, together with John Methwin esquire, to be our commissioners for promoting the trade of this kingdom, and for inspecting and improving our plantations in America, and elsewhere; and every article, clause,

⁵ *Sic in Journals.* A representation upon the general trade of the kingdom was prepared Dec. 23, 1697. It is printed in *C. J.*, XII. 432-435. See *post*, p. 265.

⁶ *Ante*, p. 158, note 99.

and thing, therein contained. In witness whereof, we have caused these our letters to be made patents. Witness, Thomas Archbishop of Canterbury, and the rest of the guardians and justices of the realm, at Westminster, the 6th day of July, in the 9th year of our reign.

A true copy, examined

CHUTE.

By me Wm. Popple.

Ordered, that the said copy do lie upon the table, to be perused by the members of the House. (*C. J.*, XII. 70-72.)

Feb. 1, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom it was referred to consider further of the supply to be granted to his Majesty; and of ways and means for providing for the deficiencies, and for disbanding the army; the resolutions of the said committee; which they had directed him to report to the House; and which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that there is due to clear the arrear of subsistence due to the troop of Scotts guards in Scotland, and the regiment and companies in the West-Indies, from the 1st day of January 1696. to the 20th of November 1697. inclusive, to which time the army in England was subsisted, except for the seven months, between the 1st day of January 1696. and the 1st day of August 1697. the sum of 21,348 *l. o s. 9 d.*

Ordered, that the said resolutions be referred to the committee of the whole House, who are to consider further of the said supply. (*Ibid.*, p. 77.)

Feb. 11, HC. Ordered, that leave be given to bring in a bill for settling the trade to Africa: and that Sir William Trumball do prepare, and bring in, the bill. (*Ibid.*, p. 97.)

Feb. 12, HC. Sir William Trumball, according to order, presented to the House a bill for settling the trade to Africa: and the same was received.⁷

Ordered, that the bill be read upon Monday morning next. (*Ibid.*, p. 99.)

Feb. 14, HC. A bill to settle the trade to Africa was, according to order, read the first time.

⁷ 9 and 10 Gul. III. c. 26 (*Statutes*, VII. 393). This compromise measure was the result of four years of effort made by the Royal African Company to maintain the trade as a joint-stock enterprise with exclusive privileges, and by its opponents to have the monopoly broken in favor of the independent trader (*ante*, pp. 89, 101, 145, 179). As a result of this act the trade was thrown open for 13 years to all who would pay to the company certain specified charges, *viz.*, 10 per cent. on exports from England or the American plantations to the coast of Africa, between Cape Mount and the Cape of Good Hope; and the same amount upon goods exported from Africa to England or America, excepting negroes, gold, silver, and copper which were exempt, and red-wood which was to pay but five per cent. No governor, deputy governor, or judge in any American colony could act as factor or agent for the sale or disposal of negroes. Because of this division of the trade and bad financial administration, the company did not prosper, so that in 1707, and again in 1709, as the date of the expiration of this act drew near, efforts were begun to bring about a more favorable settlement. Scott, *Joint-Stock Companies*, II. 22-28; Davenant, *Political and Commercial Works*, V. 91 *et seq.*

Resolved, that the bill be read a second time upon this day sevensnight. (*Ibid.*, p. 100.)

Feb. 16, HC. A petition of the merchants of London trading to Virginia and Maryland, in behalf of themselves, and the inhabitants of the said plantations, was presented to the House, and read; setting forth, that the encouraging the exportation of tobacco will be of very great advantage to his Majesty's plantations, and this kingdom; which, the petitioners conceive, may be effected by opening and enlarging the trade to Russia therein: and praying, that they may offer their reasons, at the bar of this House, for the bill now depending for encouraging and improving the trade to Russia.

Ordered, that the said petitioners be heard at the bar of this House, upon the second reading of the said bill.^a (*Ibid.*, pp. 103-104.)

Feb. 19, HC. A petition of the merchants and planters of his Majesty's province of Maryland, in America, was presented to the House, and read; setting forth, that, they are informed, the trade to Africa is designed to be established in a joint-stock, exclusive to all others, as the best method to preserve and increase that trade, and encourage the plantations: that the petitioners interests are very much concerned in the well management of a trade to Africa; and therefore offer the reasons annexed to the petition, against the evil consequences that will attend such an establishment: and praying, that the trade to Africa may be open and free for all the subjects of England.

Ordered, that the said petition do lie upon the table until the bill for settling the trade to Africa be read a second time. (*Ibid.*, p. 120.)

Feb. 19, HC. A petition of the merchants and planters trading to, and interested in, the plantations of Virginia and Maryland, was presented to the House, and read; setting forth, that the said plantations are of very large extent, and capable of great improvements; but, for many years past, have lain under great discouragement and poverty, for want of negroes to carry on their work; which is partly occasioned by the unlawful measures practised by the Royal African Company there, by causing all ships, that brought any negroes, to be seized for their own use: and praying, that they may be heard to give their reasons, to demonstrate how great an advantage it will be to this kingdom, and the plantations, by making the trade to Africa free and open.

Ordered, that the said petition do lie upon the table until the bill for settling the trade to Africa be read a second time. (*Ibid.*)

Feb. 21, HC. A petition of the merchants and planters concerned in the island of Jamaica was presented to the House, and read; setting forth, that there is a bill depending in the House for settling the trade to Africa, which may prove of dangerous consequence to the said island, in respect of the produce and trade thereof: and praying, that they may be heard thereto, before the passing of the said bill.

^a A bill for improving and encouraging the trade to Russia was passed by the Commons but, mainly because of objection by the Russia Company, was rejected by the Lords. The petitioners were heard Feb. 23. C. J., XII. 126; MSS. H. of L., 1697-1699, pp. 217-222.

Ordered, that the said petition do lie upon the table until the said bill be read a second time.⁹ (*C. J.*, XII. 121.)

Feb. 21, HC. A bill to settle the trade to Africa was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon this day sevensnight, resolve itself into a committee of the whole House, to consider of the said bill.

Ordered, that the consideration of the several petitions, which were laid upon the table until the said bill was read a second time, be referred to the said committee of the whole House: and that the petitioners be then heard by the said committee. (*Ibid.*, pp. 122-123.)

Feb. 23, HC. A petition of the mayor, aldermen, common-council, and merchant-adventurers, of the city of Bristoll, was presented to the House, and read; setting forth, that the support of the plantations in America is of great concern to the trade and wealth of this kingdom, which is carried on by the strength of negroes imported from Africa into the plantations: and praying, that there may be an open trade to Africa, from Cape Blanco to Angola, for negroes.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*, p. 125.)

Feb. 28, HC. A petition of the planters interested in, and merchants trading to, the island of Barbadoes, was presented to the House, and read; setting forth, that the commodities of that island are produced by the strength of negroes brought thither from Africa; and the said commodities are imported into Europe cheaper or dearer, according to the plenty or scarcity, and price, of negroes; and, it is the interest of England in general, as well as of the said island, that the trade to Africa be free; whereby negroes may be brought to the plantations cheap; and, the petitioners conceive, the bill in the House for settling the trade to Africa will very much restrain and prejudice the trade of the said island: and praying, that they may be heard, at the bar of the House, before the said bill do pass.¹⁰

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*, p. 133.)

Feb. 28, HC. Ordered, that the Royal African Company do lay before this House their charter, and book of by-laws; and an account of the names of the members of the company. (*Ibid.*, p. 134.)

Feb. 28, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider of the bill to settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had heard the petitioners against, and the Royal African Company for, the said bill;

⁹ Cf. the petition from Jamaica presented to the House of Lords, May 26, *post*.

¹⁰ Cf. petition presented to the Lords, May 30, *post*. Petitions were also presented this day from the artificers and tradesmen of Bristol and from the dyers of London, asking to be heard in behalf of an open trade to Africa. *C. J.*, XII. 133.

and had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon this day sevensnight, resolve itself into a committee of the whole House, to consider further of the said bill. (*Ibid.*)

Mar. 3, HC. A petition of the Governor and Company of Adventurers of England, trading to Hudson's-Bay, was presented to the House, and read; setting forth, that¹¹

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Mr. Edward Harley do prepare, and bring in, the bill. (*Ibid.*, p. 139.)

Mar. 3, HC. A petition of Thomas Bray,¹² Doctor in Divinity, was presented to the House, and read; setting forth, that, by the advice and encouragement of several of the clergy and gentry of this kingdom, the petitioner, for some years past, hath made it his business to promote and propagate the true reformed religion in Maryland, and other his Majesty's colonies in America; to perfect which work, he thinks it adviseable to provide good books in divinity, being the most proper inducements to learned and pious divines to go over in the service of the Church, to render them serviceable in their ministry, when there; the petitioner, with the assistance of pious, charitable persons, having already sent over to the value of 1000*l.* in the most valuable books in divinity, to be a standing foundation for the promoting Christianity in those parts: that there being a bill depending in the House for the better discovery of estates given to superstitious uses;¹³ and there being still wanting many necessary provisions for the completing so great a work, as the establishing schools, etc.; he prays, that some part of the said estates may be set apart, or some other provision may be made, for the good ends and purposes aforesaid.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said bill is committed. (*Ibid.*, p. 140.)

¹¹ The substance of this petition is not given in the *Journals*, though its nature is shown by the bill presented in accordance with its prayer (*post*, p. 220). This bill, however, did not pass. The act of 1690, confirming the company's charter (*ante*, p. 19), was now expiring. In addition, the treaty of Ryswick recognized and confirmed the right of France to such places as were taken during the peace which preceded the war, thus depriving the company of that important quarter of the bay known as Fort Nelson, or Bourbon, and leaving to it only Fort Albany. Petition after petition was presented to the king, the Commons, and the Lords of Trade and Plantations, for relief which did not come until the treaty of Utrecht in 1713. Willson, *The Great Company*, I. 211-212, 234-247; Sir Wm. Schooling, *The Hudson's Bay Company* (London, 1920), pp. 69-73; *Return to an Address of the Honorable Legislative Assembly . . . requiring Copies of any Charters, Leases, or other Documents, under which the Hudson's Bay Co. claims Title to the Hudson's Bay Territory . . .* (Toronto, 1857), p. 18.

¹² Bray came to Maryland in 1700 as commissary of the Bishop of London, but remained only a few months. In 1701 he obtained the charter incorporating the Society for Propagating the Gospel in Foreign Parts. See Bernard C. Steiner, "Rev. Thomas Bray and his American Libraries", in *Am. Hist. Rev.*, II. 59-75; and by the same author, *Rev. Thomas Bray, his Life and Selected Works relating to Maryland* (Md. Hist. Soc., Fund Pub., no. 37). Some account of Bray's MSS. and those of his association will be found in Andrews and Davenport, *Guide to MSS. Materials for Hist. of U. S., to 1783, in Brit. Mus.*, etc., pp. 334-335, 337, 338; there are transcripts in the MSS. Div., Lib. Cong.

¹³ This bill failed to pass. *C. J.*, XII. 62, 124, 139, 187, 202, 209, 247.

Mar. 4, HC. The House being informed, that the secretary of the Royal African Company attended with such things as the House had ordered to be laid before them;

He was called in: and, at the bar, delivered in to the House the charter of the company, and book of by-laws; and a list of the names of the members of the company.

And then withdrew.

Ordered, that the consideration of the said charter, book, and list, be referred to the committee of the whole House, to whom the bill for settling the trade to Africa is committed. (*C. J.*, XII. 143.)

Mar. 8, HC. Ordered, that leave be given to bring in a bill to prevent any of the captains of the king's ships, yachts, or other vessels, or any other persons who receive the king's pay, to import, or bring over from beyond sea, any goods or merchandize: and that Mr. Boscawen, Mr. Arnold, Sir John Bolles, Sir Joseph Herne, and Mr. Colt, do prepare, and bring in, the bill.¹⁴ (*Ibid.*, p. 148.)

Mar. 8, HC. Mr. Edward Harley, according to order, presented to the House a bill for the continuance of a former act, for confirming to the Hudson's-Bay Company their privileges and trade: and the same was received.¹⁵

The bill was read the first time.

Resolved, that the bill be read a second time upon Friday morning next. (*Ibid.*, p. 149.)

Mar. 11, HC. A bill for continuance of a former act, for confirming to the Governor and Company trading to Hudson's Bay, their privileges and trade, was, according to order, read a second time.

Resolved, that the bill be committed to Mr. Harley, Sir Robert Burdet, Sir Tho. Davall, Sir Tho. Roberts, Sir Steph. Evans, Sir Marm. Wivell, Mr. Moore, Lord Digby, Mr. England, Sir John Philips, Mr. Bridges, Mr. Ashby, Mr. Palmer, Sir John Fleet, Mr. Sandford, Mr. Mountstevens, Sir Wm. Lowther, Sir John Kay, Mr. Norris, Sir John Thorold, Sir Edward Seaward, Mr. Blofeild, Mr. Foley, Mr. Aylmer, Sir Tho. Lee, Mr. Cheney, Sir Francis Masham, Mr. Tredenham, Sir John Bolles, Sir Wm. Ashurst, Mr. Champnyes, Sir Clouds. Shovell, Mr. Fleming, Sir Tho. Day, Sir Wm. Honynwood, Mr. Freeman, Mr. Granvill, Mr. Sloane, Sir Henry Colt, Mr. Colt,¹⁶ Mr. Mawdit, Mr. Whitaker, Mr. Morris, Mr. Perry, Sir John Bucknall: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (*Ibid.*, p. 153.)

Mar. 11, HC. A petition of Peter Espritt Raddison¹⁷ was presented to the House, and read; setting forth, that, about 1666. King Charles the

¹⁴ But it did not pass; *post*, p. 234.

¹⁵ See note II, *ante*.

¹⁶ Sir Henry Colt, just named, represented Newport, Isle of Wight; there was also in this Parliament John Dutton Colt, for Leominster.

¹⁷ Among the early French explorers and traders in New France were Radisson and Chouart, his brother-in-law, who took the name of Groseilliers. They had penetrated by land to Hudson Bay and saw the possibility of great returns from the trade of that region. Failing to obtain the necessary support at Boston, Mass., and at Paris, they turned to Prince Rupert, who with others furnished funds for the sailing, in 1668, of the *Nonsuch* and the *Eagle*. This voyage led to the organization and chartering of the

Second sent the petitioner, and his brother, since deceased, with two ships, on purpose to settle the English colonies and factories in Hudson's Bay; which they effected so well, that the king gave them a gold chain and medal, and recommended them to the Company of Adventurers, trading to Hudson's Bay, to be gratified by them for the said service; and the company settled on the petitioner six actions, in their joint-stock; and 100 *l.* per annum for his life: that the petitioner is 62 years of age, and has not received any benefit by the said six shares, for more than seven years last past;¹⁸ and hath nothing to maintain himself, and four small children, but the said 100 *l.* per annum: and praying, that a clause may be inserted in the bill, before the House, for confirming to the Hudson's Bay Company their privileges and trade, to oblige the said annuity to be paid quarterly, and the dividends of the said six actions, as often as they shall become due, to the petitioner, and his heirs, during the joint-stock of the said company.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said bill is committed. (*Ibid.*, pp. 153-154.)

Mar. 12, HC. A petition of the Company of Feltmongers, London, was presented to the House, and read; setting forth, that there is a bill depending in the House, for the continuance of a former act, for confirming to the Governor and Company of Hudson's Bay their privileges and trade: but the company having acted contrary to the rules prescribed to them in a late act for that purpose, now expiring, to the great prejudice of the petitioners; they therefore pray, that the said bill may not pass; and that they may be heard against the same.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said bill is committed.

Ordered, that Sir William Ashurst, Sir William St. Quintin, Mr. Clark, Mr. Arnold, Sir John Bucknall, Mr. Stonehouse, Mr. Bowyer, Mr. Pendarvis, Mr. Cox, Mr. Johnson, be added to the committee, to whom the bill for continuance of a former act, for confirming to the Governor and Company of Hudson's Bay their privileges and trade, is committed. (*Ibid.*, p. 155.)

Mar. 19, HC. A petition of the master, wardens, and commonalty of the Mystery of Skinners, London, was presented to the House, and read; setting forth, that there is a bill depending in the House for confirming to the Hudson's-Bay Company their charter, privileges, and trade; which is now managed in a joint stock; and is found to be very prejudicial to the petitioners, and the exportation of the woollen and other manufactures: and praying to be heard against the said bill.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said bill is committed. (*Ibid.*, p. 165.)

Mar. 19, HC. A petition of James Bayly and William Keech, on behalf of themselves, and the rest of the part-owners of the ship, called the

company in 1670. Gideon D. Scull, *Voyages of Peter Esprit Radisson* (Prince Soc. Pub., 1885); N.-E. Dionne, *Chouart et Radisson* (Quebec, 1910); Willson, *The Great Company*, I. 9-48.

¹⁸ From 1691 to 1717 no dividends were paid on the stock which, after the renewal of the charter in 1690, had been trebled. Scott, *Joint-Stock Companies*, II. 232-234.

Elizabeth flyboat, was presented to the House, and read; setting forth, that . . . ¹⁹

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Sir Henry Colt and Mr. Perry do prepare, and bring in, the bill. (*C. J.*, XII. 166.)

Mar. 19, HC. A petition of the master and wardens of the Community and Fellowship of Soap-makers and Chandlers, in the city of Bristoll, in behalf of themselves, and the whole community, was presented to the House, and read; setting forth, that since a duty has been laid upon Irish tallow imported into England, our plantations have been generally supplied with candles from Ireland, where they can afford them 30 *l.* per cent. cheaper than here; neither can candles here be made without Irish tallow fit for the warm countries; so that the candle-trade to the plantations is much lessened; and will be lost, if some speedy care, more than the laws in force do allow, be not taken to prevent the same; which, the petitioners conceive, may be done by allowing a drawback on exportation: and praying the consideration and encouragement of the House for making candles in England.

Ordered, that the consideration of the said petition be referred to the committee appointed to consider of the trade of England and Ireland; and how to make the trade of this kingdom more beneficial: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House.²⁰ (*Ibid.*)

Mar. 19, HC. A petition of several merchants, trading and interested in the sugar-plantations in America, was presented to the House, and read; setting forth, that, there being a bill in the House for settling the trade to Africa, the petitioners are sensible it will be a great benefit to secure that trade to this kingdom, by maintaining forts and castles there, with an equal duty upon all goods exported, to be paid into the hands of the governor of the African Company: and praying, that the said bill may pass.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*)

Mar. 19, HC. A petition of the planters of his Majesty's Leeward Caribbe Islands was presented to the House, and read; setting forth, that the petitioners have seen the several printed reasons for and against the bill, depending in the House, for settling the trade to Africa; and humbly conceive it necessary to maintain forts and castles for preservation of that trade: and the Royal African Company having been at great charges in maintaining them, and in giving the planters credit; and since they offer a freedom for all persons to trade thither, paying a certain sum per cent. for all goods exported, towards defraying the charges of the said forts; the petitioners pray, that a bill may pass for that purpose, that the plantations may be more plentifully supplied with negroes, and at cheaper rates.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed. (*Ibid.*)

Mar. 19, HC. A petition of the inhabitants of Mountserrat was presented to the House, and read; setting forth, that the price of negroes is

¹⁹ The nature of the petition is not given, but see entries of *Mar. 22* and *25, post*.

²⁰ No report on this phase of the trade was made by the committee this session.

very much advanced, and credit very much lessened, since private merchants have had admittance to trade to Africa; which was much better carried on for the advantage of the plantations, when in the hands of the African Company: and praying, that company may be so settled, for the security of the negro-trade to the plantations, as the petitioners may reap the benefits they formerly enjoyed.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the bill for settling the trade to Africa is committed. (*Ibid.*)²¹

Mar. 19, HC. The House, according to the order of the day,²² resolved itself into a committee of the whole House, to consider further of the bill to settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Monday sevensnight, resolve itself into a committee of the whole House, to consider further of the said bill; and nothing to intervene. (*Ibid.*, p. 167.)

Mar. 22, HC. Mr. Perry, according to order,²³ presented to the House a bill for the importing several goods and merchandizes, laden at Jamaica on board the ship called the *Elizabeth* flyboat, paying such customs as shall be due and payable for the same: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time upon Friday morning. (*Ibid.*, p. 169.)

1698.

Mar. 25, HC. A bill for the importing several goods and merchandizes, laden, at Jamaica, on board the ship called the *Elizabeth* flyboat, paying such customs as shall be due and payable for the same, was, according to order, read a second time:

And a motion being made, and the question being put, that the bill be committed;

It passed in the negative.

Resolved, that the bill be rejected. (*Ibid.*, p. 177.)

Mar. 28, HC. A petition of the merchants of London, and others, trading to New-England, New-York, etc. was presented to the House, and read; setting forth, that there is a bill depending in this House, to confirm to the Hudson's-Bay Company their charter and privileges: and praying to be heard against the same, as the House shall think fit, before it pass into a law.²⁴

²¹ There was also a petition from Sir Nicholas Crisp, grandson of Nicholas Crisp who in 1631 first received a monopoly of the African trade (vol. I. of this work, p. 122), asking for compensation of the present African company in the sum of £20,000 due his grandfather's estate. *C. J.*, XII. 166.

²² *Ibid.*, pp. 148, 156.

²³ Of Mar. 19; see *ante*, p. 222.

²⁴ The signers were: "John Shepard, Charles Cradock, Ger'd. Van Stegthysen, Wm. Corndisen, Sym'o. Lodwise, John Oldbury, John Norton, Richard Haynes, Humph. South, Edward Hall, Cor. Mason, David Waterhouse, Jona. Micklewaite, John Vans, Robt. Bodington, Hen. Alderby, Jos. Paice, Tho. Phips, junr., John Heathcoat, James Fyton, Thomas Phips, senr." Hudson's Bay Co., Memorial Book 702, f. 47b.

Ordered, that the consideration of the said petition be referred to the committee, to whom the said bill is committed. (*C. J.*, XII. 180.)

Mar. 28, HC. A petition of Sir Ralph Delavall was presented to the House, and read; setting forth, that the petitioner, being, in the reign of King Charles the II^d, commander of his then Majesty's ship the *Warwick*, was sent to Barbadoes, for the service of the Royal African Company of England, with instructions to seize all such ships as traded within the limits of their charter, without their consent:²⁵ and accordingly the petitioner made several seizures, and expected to be indemnified by the said company for so doing; but they refuse it, though the petitioner is now sued for prosecuting such orders: and praying, that a clause may be inserted in the bill before the House to settle the trade to Africa, to oblige the said company to indemnify the petitioner.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, to whom the said bill is committed.

Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the said bill. . . .

Mr. Norris reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Saturday next, resolve itself into a committee of the whole House, to consider further of the said bill. . . .²⁶ (*Ibid.*, p. 181.)

Apr., HC. Reasons humbly offered against the bill for confirming the Hudson Bay Company their privileges and trade.

1st. The former act confirms the privileges and powers in the comp^y'ies charter w^{ch} as is humbly conceived, are such as will not be thought reasonable to grant to any subjects, especially to be executed at such a distance, by persons who will not be free from temptations to act partially. An abstract of the s^d charter follows. . . .²⁷

2ndly. The bill recited in the preamble, that the former act has, by experience, been found usefull and beneficiall whereas on the contrary it has not served for any advantage to the trade, only for the stock jobbing, whereby many persons have been drawne in and suffered great loss, for that sometime before the comp^y was established by act of Parliament 20 and 50 per cent was divided out, and a few moments after the passing the act the stock was trebled and £100 credit in the bookes made £300 and that £300 (which was in truth all the while but £30) sold for £300 and upwards per ct. soe that £30 originall stock was sold for £900 and upwards without any apparent great profit made by the trade.

4thly.²⁸ The comp^y sell our owne manufactures soe deare, as to purchase the beavor for six pence which they sell for six shillings, w^{ch} has

²⁵ The *Constant Warwick*, Delavall commanding, was sent to Barbados in July, 1677. *Cal. St. P. Col.*, 1677-1680, pp. 132, 145, 183.

²⁶ Mar. 31, petitions from the clothiers of Somerset and Wiltshire were presented against the proposed monopoly of the red-wood trade (*C. J.*, XII. 185). Apr. 2, Richard Dickenson petitioned for indemnity due for services rendered the company in 1676. Further consideration of the bill was postponed to Apr. 9 and 18. *Ibid.*, pp. 190, 191, 201.

²⁷ The powers and privileges of the charter of May 2, 1670, are here enumerated.

²⁸ The third and fourth heads are thus reversed in the copy received.

two fatall inconveniences. 1st. It hinders the Indians from weareing our manufactures, w^{ch} otherwise by degrees they would come to doe, as they have been brought to doe at New England and New Yorke. 2nd. It carries great part of the trade to the French at Canada which otherwise the English would have in Hudsons Bay.

3rdly.²⁸ The places allowed to this comp^y are of large extent, the bay being about 1000 miles deep and the trade theither capable of being greatly enlarged, both for the expence of our woollen manufactures and catching of whales, seals etc., and bringing great^r quantities of furs home.

5thly. The stock of the present comp^y is but £10,550 and they owe mony at interest for w^{ch} the common seale only is security.

6thly. Noe trades managed with joint stocks have been observed to thrive but on the contrary all open trades have improved. Witness all the trades to all the parts of the West Indians and particularly that to Pennsylvania lately from sending £500 yearly to the sending £5000 a yeare.

7thly. Joint stocks are in themselves a monopoly and have all the ill-consequences of it, there being but one buyer and one seller and this comp^y have contrary to a proviso in the act, sold by private contract between their sales at lower prizes than they were set up at the preceding sale.

8thly. The comp^y doe not sell their beavor fairly, but pick out the best and sell the worst here and send the best on their own acc^{tt} to Russia, which has many inconveniences *viz.*

1st. The comp^y hereby monopolize the trade outward as well as home-wards, and have ruind the trade of the Russian merch^{ts} who used formerly to buy and export beavor thither but now what [they] send they are constrained to buy in Holland and send from thence.

2nd. Hereby the comp^y forestall the market of private traders abroad and undersell them, which they cannot afford to doe, buying their beavor soe cheape, and by degrees will obtaine the whole trade to forreigne parts to themselves and also hereby

3rd. They greatly prejudice the New England and New Yorke trade, in the beavor they bring home.

4th. Tho' the comp^y sell the worst here yet they sell it at w^t price they please, and force our manufacturers to worke up the worst whereas formerly the English kept the best and sent abroad the worst.

5th. The skins only being used in Russia, when the wooll is combed off, they in Russia used to combe off and returne us the wooll whereas now the way of combeing off the wooll is found out in England and wee doe it better than they, and if the comp^y sold all here as they ought to doe, the wool would be combed off here before it is sent theither w^{ch} would first employ many manufacturers here, 2nd. the wool would be cheaper to them and consequently beavor hatts afforded cheaper and 3rd. some custom to the crowne would be saved for the wooll being exported wth the skins draws back part of the duty and pays none when it is returned againe.

9thly. These and many other inconveniences cannot be redressed whilst a comp^y with a joint stock is established, for that noe private persons can content at law wth their joint stock etc., this company (as other com-

²⁸ See note on preceding page.

panies) have formerly by pretence of their charter taken a ship w'th a great cargo out of their limits and 200 leagues distant from their factories. (Hudson's Bay Company, Memorial Book 702, ff. 48-50.)²⁹

Apr., 1698. An answer to the paper called Reasons against confirmeing the Hudson's Bay Company as also to two others of the same nature, *viz.*

1st. That the authors of the first have not fairely recited the heads of their charter, leaveing out whole sentances to make it to serve to their owne purposes.

2nd. Whereas they would insinuate that the trade to Hudsons Bay hath been of noe use but to encrease stock jobbing. Its well known what price beavor was at before the sd. comp'y was established *viz.* above three times the price it is now sold for and as for stock jobbing it is also well knowne that the stock is not capable thereof, there being sometimes scarce a thousand pounds stock, transfered in five or six months, but if there has been anything of that nature done it has been by those who having made w't advantages they could thereby having sold out doe now endeavour the ruine of the comp'y notwithstanding their oaths, whereas the persons now interested therein have bought their stocks at very deare rates and never were concerned in such practices.

3rd. They affirme that the bay is above a thousand miles deepe, therefore the trade is capable of being greatly enlarged, w'ch in truth is not above halfe soe deep. But they make noe mention of the French being in possession of the greatest part, nor what sufferers the company have been by them, both in times of peace as well as dureing the late warr, and how hard a matter it will be to recover that which is lost, or to trade freely w'th out being sufferers by their encroachm'ts w'ch w'th submission nothing but a comp'y could or can secure this trade to the nation.

4th. They say that the comp'y sell their manufactures soe deare as to purchase the beavor for 6 *d.* w'ch they sell here for six shillings, and thereby hinder the Indians from weareing them, how notoriously falce this is the authors themselves well know, the company being over stockt w'th coate beavor and have for severall yeares encouraged the weareing our manufactures, hoping thereby to ease themselves of that burthen, it being a dead weight upon them, they haveing been forced to pay taxes for that comodity six or seven times over.

5th. They endeavour to make a parralell of Hudson's Bay with Pensilvania when in truth the trade to Hudsons Bay is far different, they of Pensilvania being quietly and peaceably settled in a climate capable of mainetaining themselves whereas in Hudsons Bay they cannot subsist without being supplied from England both w'th food and rayment, and have scarce ever been free from encroachm't and disturbance from the French since their first establishment.

6th. They would likewise insinuate that the comp'ny pick out their best beavor for Russia and sell the worst here, at their owne prices w'ch forces the Russian merch't to buy beavor in Holland, how palpably falce

²⁹ Marginal note: "Reasons against the Compy. deld. to the Parliamt. in Aprill 1698." The committee on this bill made a report, Apr. 6, when the bill was re-committed to the committee of the whole House.

it is can be easely made aware for they alwayes exposed to sale their best beavor at home and as to their buying it in Holland it is well knowne likewise that the Dutch have none but what comes either from England or France.

7th. They say that the trade to Hudsons Bay is greatly prejudiceall to New England and New Yorke. It is certaine there can be noe other reason assigned than that the price of beavor has been of late years redacted from 20 to 5 or 6 shillings a £.³⁰ and although at soe low a price yet they cannot find [any]³¹ chapman [willing] to buy it w'ch is a plaine demonstration that they cannot nor doe not sell at what price they please.

8th. The company formerly have not sent any goods abroad, neither would have done it now could they have sold them here at any reasonable rates, but by the combination of the skiners and other persons against them, they were forced to find out some way to ease themselves of their burthen of coate beavor yet always reserveing more than would supply this nation for many yeares to come.

9. As to the felt makers case³² it is well knowne by them that they never bought coate beavor so cheape as it is now and has been of late yeares offered them by the company. Whereas should this company be destroyed they must be forced to have it from the French and pay five times the value they now doe, which might then be a reasonable pretence to sell their beavor hatts at the extravagant prices they have of late years done by which they have got above double their first cost.

10. As to the case of the owners of the ship *Charles*³³ w'ch they say was taken on the high seas, it is well knowne and proved that she was taken within Hudson's Streits which is included in y'r company's charter and whereas its alleadged that the s'd ship was willfully run against the rocks and soe lost, after she was taken. It has been plainly proved that she was lost by stress of weather and that the value of the ship and cargo was little more than halfe what they pretended to, which case has been formerly tryed in the High Court of Admiralty where were present many both civill and comon lawyers and after full heareing sentance given for the comp'ny, likewise the same in the Court of King's Bench where damages and costs of sute was given for the company against sever'll concerned in the said ship. Which they would insinuate was because the prerogative run high in those dayes, although they cannot pretend the same in this reigne, during which they have never revived the same or desired any rehearing of that matter. (Hudson's Bay Company, Memorial Book 702, ff. 48-50.)³⁴

Apr. 1, H.C. A petition of several persons concerned in the ship *Charles*, Captain Lucas commander, was presented to the House, and read; setting forth, that, in the year 1683. the said ship sailed from England, and was taken by one Captain Walker, then commander of a ship belonging to the

³⁰ Lb.

³¹ This and the next supplied word are suggested for the blanks in the copy.

³² See their petition of Mar. 12, *ante*.

³³ See next entry.

³⁴ Marginal note: "Presented to sever'll members of Parliam't in Aprill 1698." See note 29, *ante*.

Hudson's Bay Company, on the high seas, out of the limits of the said company's charter; and the petitioners have not since been able to obtain any satisfaction, of the said company, for the said ship and cargo: and praying the consideration of the House, and relief in the premises.³⁵

Ordered, that the consideration of the said petition be referred to the committee, to whom the bill for confirming to Hudson's Bay Company their privileges and charter is committed. (*C. J.*, XII. 188-189.)

Apr. 6, 18. Ordered, that the report from the committee, to whom the bill for the continuance of a former act, for confirming to the Governor and Company of Hudson's Bay their privileges and trade, was committed, be now received.

Mr. Edward Harley reported from the said committee, that they had heard the petitioners touching the said bill; and had made several amendments to the bill; which, and also the matter upon the petition of several persons concerned in the ship *Charles*, Captain Lucas commander, they had directed him to report specially to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

That *William Jennings*, being asked, what he knew of the taking the ship *Charles*? said, that one Walker, commander of a ship belonging to the Hudson's Bay Company, took the said ship *Charles*, about twelve years since, in Hudson's Streights: that the said commander threatened to put him in goal, because he was an interloper in those parts: that she was taken fifty or sixty leagues from the shore, within the streights: that she was in a good condition, and had sufficient provision, when she was taken.

Being asked, where she was bound? said, we were bound for Hudson's Bay.

And being further asked, what became of the ship? made answer, that, after he was taken, he was put into the company's ship; and that some time after she was lost, having run against the rocks; but could not tell, whether she was lost by stress of weather.

Being asked, if the men were changed? said, yes; and that he believed they left not one man of her own crew in her.

And being further asked, if the ship was lost for want of hands? said, he could not tell: he believed they had hands enough: and said, he further believed, that the loss of the ship was through ignorance: that he was entertained by the company as a warehouse-keeper six or seven years; but had been several years out of their service.

Matth. Hallery, being asked, if he knew any thing of the taking the ship *Charles*? said, he was in her when she was taken: that she was taken at sea, before she came into Hudson's Bay, by a ship commanded by one Captain Walker: that they were 15 or 20 leagues without the streights: that they were boarded; and that the said Captain Walker took out all her men, and put other men into her; and that the said ship was after cast away upon the rocks: that the greatest part of her cargo was lost.

³⁵ The value of the ship and cargo was placed at £2000, but the company claimed it was little more than half this amount. The petition was signed by "Jane Platt, Ann Danall, John Oldbury, Robt. Bodington, Tho. Phips". Hudson's Bay Company, Memorial Book 702, f. 47 or 48.

And further said, that it was good weather when she was cast away; and believed she was lost through ignorance: he said, he was never in those seas before.

And being asked, if he knew where the mouth of the streights lay? said, it lies at the cape's mouth:

And said, that the ship was taken about 12 years ago: that there was some tryal at Doctors Commons about the said ship; but that he was not concerned in the tryal, and did not know the event of it.

Jennings and Hallery being confronted;

Jennings said, that the said ship was taken about 50 or 60 leagues within the streights: that the streights lay betwixt Farewell, and Cape Resolution.

Hallery said, as far as he could remember, they passed the streights after the ship was taken.

Geo. Gane said, he believed the ship *Charles* was taken by Captain Walker: and said, that there was but seven or eight men on board her when she was cast away, and not a man lost.

And being asked, how many years it was since? said, it was about the years 1682. or 1683. And said, it was a bitter storm, and no lying with a boat when the ship was lost; and that she was not cast away by negligence, but by stress of weather.

He further said, he knew nothing of any goods that were brought on shore; and there was no boats went out but for saving the men: said, he had formerly been in the company's service; but was now out of it, and had been so for several years.

The company alleged, this matter had been determined in the court of Admiralty, and in the King's-Bench, about 12 years since, and adjudged for them; and they were never questioned about it since that time.

And the first amendment being read a second time;

Resolved, that the bill be re-committed.

Resolved, that the bill be [re-]committed to a committee of the whole House.

Resolved, that this House will, upon Saturday sevensnight, resolve itself into a committee of the whole House, to consider of the said bill; and nothing to intervene.

Ordered, that the Hudson's Bay Company do lay their charter before this House. (*Ibid.*, pp. 194-195.)

Apr. 9, HC. The House being acquainted, that a person attended at the door with the charter of the Hudson's Bay Company;

He was called in; and, at the bar, presented to the House the said charter.

And then withdrew.

Ordered, that the said charter be referred to the committee of the whole House, to whom the bill for confirming to the Hudson's Bay Company their privileges and charter is committed. (*Ibid.*, p. 199.)

Apr. 18, HC. A petition of Andrew Clifford and Jeronomy Clifford, merchants, lately inhabitants in Surinam in the West-Indies, was presented to the House, and read; setting forth, that³⁶

³⁶ The substance of this petition is not given in the *Journals*, but see *Cal. St. P. Col.*, 1697-1698, p. 84; *Acts P. C. Col.*, II. 269-270. These merchants claimed the right, under

[Ordered], that the consideration of the said petition be referred to a committee: and that they do examine the matter; and report the same, with their opinion therein, to the House:

And it is referred to Mr. Monckton, Mr. Osborne, Mr. Colt, Sir John Ellwell, Mr. Hammond, Mr. Boyle, Lord Pawlett, Mr. Moyle, Mr. Lowther, Sir Godfrey Coply, Mr. Baldwyn, Mr. Harrison, Sir John Keye, Mr. Lampton, Mr. Blofeild, Mr. Thornhaugh, Mr. Arnold, Mr. Foley, Mr. Blake, Mr. Bertie, Mr. Mounstevens, Mr. Morgan, Mr. Fleming, Mr. Taylor: and they are to meet at five a clock this afternoon, in the Speaker's Chamber. (*C. J.*, XII. 235.)

Apr. 18, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon this day fortnight, resolve itself into a committee of the whole House, to consider further of the said bill; and nothing to intervene.

Ordered, that Sir Nicolas Crispe, Sir Ralph Delavall, and Mr. Dickenson, be then heard at the said committee, by their counsel, if they think fit, upon their petitions.³⁷ (*Ibid.*, p. 237.)

Apr. 19, HC. Mr. Arnold, according to order,³⁸ presented to the House a bill against the king's ships carrying merchants goods: and the same was received; and read the first time.

Resolved, that the bill be read the second time. (*Ibid.*, p. 238.)

Apr. 28, HC. Sir Thomas Littleton, according to order, reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supply granted to his Majesty, the resolutions, which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.* . . .

Resolved, that it is the opinion of this committee, that the several duties upon coffee, tea, and chocolate, and spices, and other duties, granted by an act, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spices, towards satisfaction of the debts due for transport-service for the reduction of Ireland, be continued.

Resolved, that it is the opinion of this committee, that the said duties be continued for the term of three years. . . .

The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

the articles of capitulation made upon the surrender of Surinam to the Dutch in 1667, to transport themselves and their estate to Jamaica, but were prohibited from doing so by the governor and council of Surinam. No action was taken by this Parliament toward granting redress, and the matter was later brought before the Council who referred it to the Board of Trade. In 1705 the reports and accounts were laid before the queen.

³⁷ *Ante*, notes 21, 25.

³⁸ Mar. 8, *ante*.

Ordered, that a bill or bills be brought in upon the said resolutions: and that Mr. Attorney-General,³⁹ Mr. Solicitor-General,⁴⁰ Sir Thomas Littleton, and Mr. Lowndes, do prepare, and bring in, the bill.⁴¹ (*Ibid.*, pp. 246-247.)

Apr. 30, HC. Ordered, that Mr. Kendall, Mr. Gardner, Sir Robert Davers, Sir William Drake, Mr. Thompson, Mr. Bridges, Sir Matth. Andrews, Mr. Yates, Mr. Moor, Mr. Fuller, be added to the committee, to whom the petition of Andrew Clifford and Jeronomy Clifford merchants, lately inhabiting in Surinam in the West-Indies, was referred. (*Ibid.*, p. 247.)

May 2, HC. Mr. Norris, according to order, presented to the House a bill for continuing the duties upon coffee, tea, chocolate, and spices, towards further satisfaction of the debt due for transport-service for the reduction of Ireland: and the same was received; and read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 249.)

May 2, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to regulate and settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon this day sevensnight, resolve itself into a committee of the whole House, to consider further of the said bill. (*Ibid.*, p. 250.)

May 3, HC. A bill for continuing the duties upon coffee, tea, chocolate, and spices, was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider further of the said bill. (*Ibid.*, p. 252.)

May 4, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the bill for continuing the duties upon coffee, tea, chocolate, and spices. . . .

Mr. Norris reported from the said committee, that they had gone through the bill, and made one amendment thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 253.)

May 5, HC. Mr. Norris, according to order, reported, from the committee of the whole House, to whom the bill for continuing the duties upon coffee, tea, chocolate, and spices, was committed, the amendment made by the committee to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same was twice read; and, upon the question put thereupon, agreed unto by the House.

³⁹ Sir Thomas Trevor, afterwards Lord Trevor, appointed June 10, 1695.

⁴⁰ John Hawles, since July 13, 1695.

⁴¹ 9 and 10 Gul. III. c. 14 (*Statutes*, VII. 369), continuing 6 and 7 Gul. III. c. 7 (*ante*, p. 117) until May 1, 1701, the said duties to be applied towards the satisfaction of the debt due for transport service for the reduction of Ireland.

Ordered, that the bill, with the amendment, be ingrossed.⁴² (*C. J.*, XII. 254.)

May 5, HC. Ordered, that Mr. John Thrale, merchant, do attend the committee of the whole House, to whom the bill to regulate and settle the trade to Africa is committed, upon Monday morning next. (*Ibid.*)

May 5, HC. Ordered, that the committee of the whole House, to whom the bill to settle the trade to Africa is committed, have power to send for persons, papers, and records. (*Ibid.*, p. 256.)

May 6, HL. A message from the House of Commons, by Mr. Norris and others:

Who brought up a bill, intituled, An act for continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland; to which they desire the concurrence of this House.

Hodie 1a vice lecta est billa, intituled, An act for continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland. (*L. J.*, XVI. 276.)

May 7, HL. *Hodie 2a vice lecta est billa*, intituled, An act for continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland.

Ordered, that the said bill be committed to a committee of the whole House, on Monday next, at eleven of the clock.⁴³ (*Ibid.*, p. 278.)

May 7, HC. The House, according to the order of the day,⁴⁴ resolved itself into a committee of the whole House, to consider of the bill for confirming to the Hudson Bay Company their privileges and trade. . . .

Sir John Bolls reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon this day sevensnight, resolve itself into a committee of the whole House, to consider further of the said bill. (*C. J.*, XII. 263.)

May 9, HC. Ordered, that Sir Ralph Delavall have leave to withdraw his petition relating to the bill to settle the trade to Africa.

Ordered, that Richard Dickenson have leave also to withdraw his petition touching the said bill.⁴⁵ (*Ibid.*, p. 264.)

May 9, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to settle the trade to Africa. . . .

Mr. Norris reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made upon Saturday morning next; and nothing to intervene. (*Ibid.*)

⁴² There is no record in the *Journals* of the passage of this bill. As the Lords received it the following day, the Commons must have disposed of it May 5 or 6.

⁴³ The House adjourned until Tuesday, and did not again consider this bill until Friday.

⁴⁴ Apr. 16, 30; *C. J.*, XII. 235, 248.

⁴⁵ Concerning these petitions, see *ante*, p. 224.

May 13, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland.

After some time spent therein, the House was resumed.

And the Lord Bishop of London reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland.

The question was put, whether this bill shall pass?

It was resolved in the affirmative. . . .

Ordered, that the Commons have notice, the Lords have agreed to the said last three bills above-mentioned, without any amendment.⁴⁶ (*L. J.*, XVI. 283.)

May 14, HC. A petition of Captain Charles Desborough was presented to the House, and read; setting forth, that the petitioner was, the last year, with Captain Norris at Newfoundland; where there was taken a very considerable prize by one Captain Rophy, and shared between them; of which the petitioner ought to have had a share: and praying relief in the premises.⁴⁷

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same to the House.

And it is referred to Sir Tho. Dyke, Sir H. D. Colt, Sir Robert Davers, Mr. Brotherton, Colonel Granville, Sir William Lowther, Mr. Harley, Sir Fran. Wyndham, Sir John Fleet, Sir Edward Ernly, Sir Rowland Gwyn, Mr. Done, Sir Robert Cotton, Mr. Hedger, Mr. Culliford, Mr. Manley, Mr. Pocklington, Sir Fran. Massam, Lord Wm. Pawlet, Sir Wm. Williams, Mr. Norris, Mr. Arnold, Sir Philip Boteler, Sir John Kaye, Sir Cloudesly Shovell, Mr. Morgan, Mr. Egerton, Mr. York, Mr. Mounstevens, Mr. Gery, Mr. Bohun, Colonel Pery, Sir Tho. Littleton,

⁴⁶ *C. J.*, XII. 269. The royal assent was given May 16. *Ibid.*, p. 272; *L. J.*, XVI. 286.

⁴⁷ Desborough first came to Ferryland, Oct., 1694, in the *Virgin Prize*. In 1697, he commanded the *Mary Galley*, one of the vessels under Sir John Norris, who was sent to recover Newfoundland from the French. Finding the country abandoned, the squadron seems to have been employed as a fishing fleet, until in July French ships appeared off St. John's. As these were supposed to be part of a squadron stronger than the English, it was decided at a council-of-war, held on board the English flagship, the *Monk*, not to make an attack. Later it was reported that the French ships were part of de Pointis's squadron returning from Carthagenia, and Desborough was sent out to discover the number of the ships and their movements. Norris was not convinced by his report and kept his fleet in the harbor. Desborough was later dismissed from his command for neglect of duty and breach of orders. He complained of his dismissal to Lord Orford, of the Admiralty, and brought charges of corruption and favoritism against Norris. Much of this affair is detailed in the report on this petition which was made on June 28 (*post*, pp. 249-258). This session adjourned without determination of his case, but in the following Parliament the general dissatisfaction with the administration of the navy induced the Lords to inquire carefully into this affair (*post*, pp. 281-304 *passim*). Desborough was reinstated and Norris suspended from his command. The case had a further hearing in 1701 when the House of Lords decided to address the king to reinstate Norris. Twelve lords protested against the resolution (*post*, pp. 375-377). Prowse, *Hist. of Newfoundland*, pp. 209, 213; *MSS. H. of L.*, 1697-1699, pp. xxxi-xxxiii, 312-354.

Mr. Rowney, Sir Ralph Delavall, Mr. Kendall, Sir John Bucknall, Sir John Bolls, Mr. Colt, Colonel Gibson, Colonel King, Mr. Boyle, Mr. Pagit, Sir Cha. Wyndham, Sir Godfrey Copley, Mr. Mansell; and all the members of the House, of the Admiralty, Navy, and Cinque-Ports: and they are to meet this afternoon at five of the clock, in the Speaker's Chamber: and have power to send for persons, papers, and records. (*C. J.*, XII. 270.)

May 14, HC. Mr. Norris, according to order, reported, from the committee of the whole House, to whom the bill for settling the trade to Africa was committed, the amendments, made by the committee, to the said bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, with some amendments made to some of them, agreed unto by the House. . . .

Another clause was offered, to be added to the bill, that no governor, deputy-governor, or judge, in his Majesty's plantations in America, or any on their behalf, shall be a factor or agent for the said company, or any other persons, for sale or disposal of any negroes, on forfeiture of five hundred pounds:

And the clause was twice read, and amended⁴⁸

And other amendments were made by the House to the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*)

May 14, HC. Resolved, that this House [will], upon this day seven-night, resolve itself into a committee of the whole House, to consider further of the bill for confirming to the Hudson's Bay Company their privilege and trade.⁴⁹ (*Ibid.*)

May 20, HC. A petition of Anne, the wife of Matthew Shank,⁵⁰ one of the lieutenants to the company of fuzileers, commanded by Colonel

⁴⁸ The clause as finally enacted reads: "And be it enacted by the Authority aforesaid That no Governor or Deputy Governor of any of his Majesties Colonies or Plantations in America or His Majesties Judges in any Courts there for the time being nor any other Person or Persons for the use or on behalf of such Governor or Deputy Governor or Judges, from and after the Nine and twentieth Day of September One thousand six hundred ninety-eight shall be a Factor or Factors Agent or Agents for the said Company or any other Person or Persons for the Sale or Disposal of any Negroes, and that every Person offending herein shall forfeit Five hundred pounds to the Uses aforesaid to be recovered in any of His Majesties Courts of Record at Westminster by Action of Debt, Bill, Plaint, or Information wherein no Essoign, Protection, Priviled [privilege], or Wager of Law shall be allowed nor any more than one Impar lance." *Statutes*, VII. 396-397.

⁴⁹ This bill here passes out of the records of this session.

⁵⁰ In meeting the expense of increasing the number of companies for the defense of New York from two to four, advantage had been taken of the difference in exchange between England and America. Although, as Bellomont wrote, in New York "things, both for the belly and for the back, are very nearly treble the rates;" at home, it was ordered that this difference of 30 per cent. should be deducted from the pay of all ranks and devoted to other salaries. The results were wholesale desertion and the resignation of many officers. Lieutenants Shanke, Sydenham, and Wright, who had enjoyed the patronage of such men as William Blathwayt and the Duke of Bolton, made voluminous accusations against their captains and against Fletcher himself, of defrauding them and their men of pay, making false musters, etc. Since 1696 the matter had been in the hands of the Council of Trade, the Duke of Schomberg, and the officers "sitting at the Horse Guard", and finally was referred to Bellomont, but without adjustment. For

Richard Ingoldsby, in the province of New York in America, was presented to the House, and read; setting forth, that the said company was raised in England, in 1690: that when Colonel Fletcher came governor to the same place, he brought clearings for the soldiers; but stopt one-third part thereof, and hath continued so to do ever since: that the said Colonel Fletcher pretends to have an order from England, for the stoppage of the said pay, to be applied towards the repairing of forts, and other uses: and praying the consideration of the House, and relief in the premises.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Robert Taylor, and other inhabitants and victuallers, in the Tower Hamlets, was referred:⁵¹ and they to examine the matter thereof; and report the same, with their opinion therein, to the House. (*Ibid.*, p. 278.)

May 20, HC. Sir Thomas Littleton, according to the order of the day, reported, from the committee of the whole House, to whom it was referred, to consider further of ways and means for raising the supply granted to his Majesty, the resolutions of the said committee; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that, over and above the duties now payable, a further duty be laid upon sugar.

Resolved, that it is the opinion of this committee, that the said duty upon sugar be five shillings per hundred, upon all brown sugar.

Resolved, that it is the opinion of this committee, that the said duty upon sugar be fifteen shillings per hundred, upon all white sugar.

Resolved, that it is the opinion of this committee, that the said duties be granted for the term of two years, and no longer.

The first resolution being read a second time;

And the question being put, that the House do agree with the committee, in the said resolution;

It passed in the negative, *nemine contradicente*. (*Ibid.*, pp. 279-280.)

May 23, HC. An ingrossed bill to settle the trade to Africa was, according to order,⁵² read the third time.

And an ingrossed clause was offered, as a rider, for the duration of the act:

And the same was twice read, with a blank; and the blank filled up:

And then the same was read the third time; and, upon the question put thereupon, agreed unto by the House to be made part of the bill.

Resolved, that the bill do pass: and that the title be, An act to settle the trade to Africa.

Ordered, that Mr. Norris do carry the bill to the Lords, and desire their concurrence thereunto.⁵³ (*Ibid.*, p. 283.)

Shanke's connection with this controversy, which gives more than an insight into the military policy of the time, see *Cal. St. P. Col.*, 1696-1697, pp. 80, 82, 252, 271, 283-285, 325-326, 330-331, 377-378, 395-396, 445-446, 504, 505, 506, *id.*, 1697-1698, pp. 450, 530.

⁵¹ *C. J.*, XII. 79, 91. No report was made on this petition.

⁵² *Ibid.*, p. 274.

⁵³ *L. J.*, XVI. 294.

May 24, HL. *Hodie 1a vice lecta est billa*, intituled, An act to settle the trade to Affrica. (L. J., XVI. 296.)

May 25, HL. *Hodie 2a vice lecta est billa*, intituled, An act to settle the trade to Affrica.

Ordered, that the said bill be committed to a committee of the whole House, on Monday the thirtieth day of this instant May, at eleven of the clock.

Upon reading the petition of the planters of Virginia and Maryland;⁵⁴ praying, that they may be heard, before the passing of the bill, intituled, An act to settle the trade to Affrica:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioners, or any others, shall be heard, by themselves or counsel, what they have to offer in relation to the said bill, on Monday the thirtieth day of this instant May, at eleven of the clock. (*Ibid.*, p. 297.)

May 25, HL. To the Right Hon'ble the Lords Spirituall and Temporall in Parliament assembled

The humble petition of the planters of Virginia and Maryland and the merch'ts trading thereto

Sheweth that whereas an ingrossed bill sent from the hon'ble House of Commons for y'r Lords'ps concurrence intituled an act for settling the trade to Africa is now depending before yo'r Lordships w'ch bill is humbly conceived may prejudice those plantations and the trade of England

Therefore yo'r petitioners humbly pray they may be heard by their counsell to offer their reasons at the barr of yo'r Lordships house before the said bill does pass.

And they shall ever pray etc.

EDW. CARLETON ⁵⁵	HEN. HARTWELL	JNO. CARYN
E. CHILTON	BENJA. BRAIN	THOMAS TAILLER
BENJA. HARRISON	THO. CARY	JOHN SAILLE
FRED. JONES	JNO. MUNDAY	THOMAS CORBIN
ISAAC MILLNER	XPHER. MORGAN	MICAJAH PERRY
J. CORBIE	CHARLES RIDGLY	NATH. RONS

(MSS. H. of L.)⁵⁶

May 26, HL. Upon reading the petition of the planters and merchants concerned in the island of Jamaica, in behalf of themselves and others

⁵⁴ This petition, the full text of which follows, was also presented in the Commons, Feb. 19 (*ante*, p. 217).

⁵⁵ Of these signers, Carleton, a London merchant, presented his own petition, May 28 (*post*, p. 239); Edward Chilton had been appointed, in 1696, advocate and attorney general of the court of admiralty of Virginia and North Carolina (*Va. Mag. of Hist.*, III. 12); Harrison was attorney general of Virginia and the great-grandfather of President William Henry Harrison; Millner, Brain, Corbin, and Perry were merchants engaged in colonial trade (*Cal. St. P. Col.*, 1699, pp. 502, 539; *Acts P. C. Col.*, II. 152, 391, 392, 393, 492); and Hartwell was a member of the council of Virginia (*ibid.*, p. 824). For "Rons," "Rous" is suggested.

⁵⁶ Calendared in MSS. H. of L., 1697-1699, p. 243. Endorsed, "Peticon of the Planters in Virginia v. Affrican Compa. Bill reade 25 May 1698".

the planters in the said island;⁵⁷ praying, that they may be heard before the passing of the bill, intituled, An act to settle the trade to Affrica:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioners shall be heard, as desired, on Monday the thirtieth day of this instant May, at eleven of the clock. (*L. J.*, XVI. 299.)

May 26, HL. To the Right Hono'ble Lords Spirituall and Temporall in Parliament assembled

The humble petition of the planters and merchants concern'd in the island of Jamaica in behalfe of themselves and others the planters in the said island

Sheweth that a bill being brought up to this most hono'ble house from the hono'ble house of Commons to settle the trade to Affrica which bill your petitioners apprehend will be prejudiciall to the said plantations and to the trade of England

Wherefore your petitioners humbly pray that this most hono'ble house will be pleased to heare your petitioners by councill or otherwayes before the said bill pass.

And your petitioners shall ever pray etc.

GILBERT HEATHCOTE ⁵⁸	B. GRACEDIEU	FRA. OLDFIELD
JOHN BLACKSTONE	EDW. BROUGHTON	NATH. MICKLETHWAITE
JOSIAH WORDSWORTH	LAWRENCE GALDY	BENJ. WAY
RICHARD BELL	JOHN WINMAN	JAMES WHITCHURCH
THO. CHAMBERS	WILL'M BARKAS	JER. SAUNDERS
THO. BYFIELD	HEN. SHERWIN	
JO'N PARKE [OF PACKE]		

(MSS. H. of L.)⁵⁹

May 27, HL. Upon reading the petition of the planters and merchants of his Majesty's Cariby Islands in America; praying, that they may be heard, for the bill, intituled, An act to settle the trade to Affrica:⁶⁰

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioners shall be heard, as desired, on Monday next, at eleven of the clock in the forenoon. (*L. J.*, XVI. 300.)

May 27, HL. To the Right Hono'ble the Lords Spirituall and Temporall in Parliament assembled

The humble petition of the planters and merchants of his Ma'ties Cariby Islands in America

⁵⁷ For text of this petition, see next entry; see also under Feb. 21, *ante*.

⁵⁸ A merchant in St. Swithin's Lane, London, having large transactions with Jamaica and, with Gracedieu who also signs this petition, agent for that plantation. Heathcote was later Lord Mayor of London and, in 1732, commissioner for the colony of Georgia (*Dict. Nat. Biog.*, XXV. 353; *Cal. St. P. Col.*, 1699, pp. 37, 63, 419). Byfield was a London merchant, sometimes associated with Heathcote in the Jamaica trade (*Acts P. C. Col.*, II. 165, 464-465); Broughton and Oldfield were members of the council (*ibid.*, pp. 566, 668, 811, 812); Way and Whitchurch were merchants in Jamaica (*ibid.*, pp. 560, 668); and most of the others were either merchants or planters there (*Cal. St. P. Col.*, 1699, p. 238).

⁵⁹ Calendared in *MSS. H. of L.*, 1697-1699, p. 243. Endorsed, "Planters Jamaica v. Affrican Bill Reade 26 May 1698".

⁶⁰ See next item.

Humbly sheweth that your peticon's having seen and considered the bill for settling the trade to Africa do humbly crave leave to represent to this most hono'ble House that the Royal African Company hath been at great expence and charges to erect support and maintaine their forts and castles and that the trade without said forts and castles might have been lost and cannot be protected and carryed on for the future

That the said company (by means of their joynt stock) have alwayes given large credit to the plantacons, which hath enabled severall planters (otherwise poor) to settle and improve their estates, w'ch without such credit must have lain waste, and by consequence the kings duties and customs would have been lessened.

That since the said bill allowes all persons may trade to Africa that please, they only paying a certain summe per cent. on all goods exported, and some imported (negroes excepted) to be applyed towards the main-taining and defraying the charges of the said forts and castles,

It is humbly presumed this regulacon and freedom of trade to Africa may cause such emulacon between the company and other traders, that the said trade will be well supported and defended; and the plantacons in generall, better supplied with negroes (the only foundacon of all planters) at lower rates and with a larger credit than ever.

And therefore yo'r peticon'rs do most humbly pray that the said bill may pass.

CHA. MATHEW
MICHAEL COLE
RICHD. PUDWAY

JNO. VERNON
ROG'R ELRINGTON
SAM'L BALL

BASTIAEN RAIJR [?]⁶¹
JOHN WARD
JONA. NETHWAY

(MSS. H. of L.)⁶²

May 27, HC. A petition of Erasmus Dole, Charles Pope, and others, the owners of the ship *Maryland Merchant*, of Bristol, was presented to the House, and read; setting forth, that the said ship *Maryland* has, by several disasters, been prevented from arriving in this kingdom, by the time allowed by the act for preventing frauds, and regulating abuses, in the plantation-trade: that being debarred from coming hither, will be a loss to his Majesty of 8,000 *l.* custom, as well as to the petitioners, the owners: and praying, that leave may be given to bring in a bill for permitting the said ship, with her loading, to return to England, without incurring the penalty of the said act.

Ordered, that leave be given to bring in a bill according to the prayer of the said petition: and that Mr. Yates do prepare, and bring in, the bill.⁶³ (*C. J.*, XII. 287.)

⁶¹ This name could not be deciphered. Of the others, Mathew and Vernon were members of the council of Antigua, the latter described as an "honest man of small estate" (*Cal. St. P. Col.*, 1699, p. 351; *Acts P. C. Col.*, II. 805, 827); Cole was engaged in colonial trade (*ibid.*, pp. 392, 393); Elrington, on Dec. 14, 1699, was appointed lieutenant-governor of Nevis (*ibid.*, p. 573); and Ward was later a member of the assembly of Nevis (*ibid.*, pp. 386, 451).

⁶² Calendared in *MSS. H. of L.*, 1697-1699, pp. 243-244. Endorsed, "Caraby Island for Affrican Compa Bill Reade 27 May 1768 [*sic*]".

⁶³ 9 and 10 Gul. III., private acts, c. 52 as printed in *Statutes*, VII. 450; no. 97 of the original act in Parliament.

May 28, HL. Upon reading the petition of Edward Carleton, of London, merchant; praying to be heard to the bill, intituled, An act to settle the trade to Africa: ⁶⁴

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioner shall be heard, by his counsel, as desired, on Monday next, at eleven o'clock. (*L. J.*, XVI. 301.)

May 28, HL. To the R't Hon'ble the Lords Spirituall and Temporall in Parliament assembled.

The humble pet. of Edward Carleton of Londo. merch't

Sheweth that your pet'r is informed a bill is sent up to this most hon'ble House from the hon'ble House of Commons entituled, An act to settle the trade to Affrica: by which all ships with their ladings are to be forfeited which saile from England after the 24th June, and from the plantacons in America after the 1st day of August next, without having entred and paid the duties by the said bill enjoyn'd or w'ch shall sail to Affrica from any other parts than directly from England or the said plantacons.

That yo'r pet'rs sent out a ship lately on a trading voyage, and therein also laded a cargo of goods and merchandizes proper for Affrica to purchase negros to carry to the northern plantations in America; but ordered the said ship to trade abroad so long that she might not arrive from Guiny till after the winter should be over, it not being proper to bring negros to those cold countries in that season

That as the said act now is your pet'r may be subject to the penalties thereof, which is forfeiture of ship and goods unless some provision be made by your Lordships to prevent the same.

Wherefore your pet'r humbly prayes that yo'r Lordships will be pleas'd to provide such remedy for yo'r pet'r as to yo'r Lord'pps great wisdom shall seem meet, or to hear yo'r pet'r before the said bill pass as it is sent up to yo'r Lordships

And yo'r pet'r shall ever pray etc.

EDWARD CARLETON ⁶⁵

(MSS. H. of L.)

May 30, HL. A petition of the mayor and aldermen of Bristoll, and a petition of the planters in Barbados, being read, for the bill, intituled, An act to settle the trade to Africa: ⁶⁶

It is ordered, that they be heard this day, as desired. (*L. J.*, XVI. 305.)

May 30, HL. To the Right Hon'ble the Lords Spirituall and Temporall in Parliam't assembled

The humble petition of the mayor, aldermen and common councill of the city of Bristoll, also of the Society of Merchant Adventurers within the said city

Sheweth that the support of the plantations in America is of great concern to the trade and wealth of this kingdom, as they furnish it with a large product, whereby not only his Ma'ties revenue is increased, but also navigation greatly encouraged

⁶⁴ See next entry.

⁶⁵ Carleton was one of the signers to the petition presented May 25 (*ante*, p. 236). This petition is calendared in *MSS. H. of L.*, 1697-1699, p. 244. Endorsed, "Pet'n of Edw'd Carleton Merch't reade 28 May 98".

⁶⁶ Texts of these petitions follow.

That this product is raised by the strength and labour of the negroes imported thither from Africa, and according to the greater or less number of slaves imported into them the plantations flourish

And yo'r petitioners being informed that there is a bill now depending before your Lord'ps whereby a tax of ten per cent. is proposed to be put on the traders to the coast of Africa which your petitioners humbly conceive will be very detrimentall to the plantations, and also to your petitioners

Your petitioners therefore humbly pray that your Lord'ps will be pleased to leave the said trade for negroes free from Cape Blanco to Angola by such methods as to yo'r Lord'ps shall seem fit

And your petitioners shall ever pray etc.

JOHN BUBB, Mayor	NATH. DAY	JA. LONG
PETER SAUNDERS	JOHN DAY	JA HOLLIDGE
JOHN YEAMANS JUN'R	JOHN SWYMMER	ROBERT BOUND
JOHN CORSLEY	WILL'M HEATH	JOHN HICKES
JNO HAWKINS	ANTHON SWYMMER	WILLIAM CLUTTERBUCK
FRA. WHITCHURCH	PHILLIE STREKS	WM JACKSON
THOMAS BURGESS	FRANCIS ROGERS	WM SWYMMER
IRA HOOKE	JOHN HICKES	RICHARD CRUMPE
ROBERT LANE	HENRY GIBBS	RICHARD CANE
JNO BAKER	JOHN CARY	SAMUEL WALLIS
RICH'D. BAYLY	ISAAC DAVIES	JOHN BLACKWELL

(MSS. H. of L.)⁶⁷

May 30, HL. To the R't Hon'ble the Lords Spirituall and Temporal in Parliam't assembled.

The humble pet'n of severall planters in behalf of themselves and the rest of the planters concerned in the island of Barbados.

Sheweth that there being a bill sent up to this most hon'ble House from the hon'ble House of Commons, which imposes a great duty on the trade of negroes, whereon the welfare of the sd plantation depends, and the sd bill being in sundry respects otherwise prejudiciall to the sd island, and the trade thereof, as also to the trade of England

Yo'r pet's therefore humbly pray that yo'r Lord'ps will be pleased to hear the said planters by their councill or otherwise, before the said bill pass

And yo'r pet'rs shall ever pray etc.

WILB. BOOTH
MEL. HOLDER
RICH. GUY
SAM'EL BARWICK⁶⁸
N. BLAKISTON
(MSS. H. of L.)⁶⁹

⁶⁷ Calendared, *MSS. H. of L.*, 1697-1699, p. 245. Endorsed, "A Petition of the Mayor Aldermen and Merchants of Bristoll agt. Affrican Bill reade 30 May 1698".

⁶⁸ Later member of the council. *Acts P. C. Col.*, II. 645, 770.

⁶⁹ Calendared in *MSS. H. of L.*, p. 244. Endorsed, "Barbados Merchants Peticon agt Affrican Bill 30 May 98".

May 30, HL. To the Right hono'ble the Lords Spirituall and Temporall in Parliament assembled

The humble petition of the planters and merchants concerned and trading to the island of Barbadoes

Humbly sheweth that your petitioners haveing considered the bill for settling the trade to Affrica doe conceive the same may be for the interest of the said island

For that the said trade cannot be maintained without forts and castles and that the charge thereof will be best borne by a duty on the same, this bill permitting all persons to trade to Affrica at a moderate duty on exportation and importation of goods (negroes and gold excepted) for preserving and paying the charges of maintaineing the said forts and castles

And for that the company and all other traders will thereby trade upon equall termes and by that meanes the plantations will be supplied with negroes at easier rates

Your peticon'rs therefore most humbly pray that the said bill may pass
And yo'r peticon'rs shall ever pray etc.

THO AGHBY

JOHN DA COSTA

BENJA SCOTT

WM. RICHARDSON

ROB. HEYSHAM

JA. WALKER

RICH. BARRETT

JOHN ESTON

RICHARD MARSH

THO. HUMFREYS

JOHN PARKER

HENRY HALE

GYLES HEYSHAM

PETER CARTWRIGHT

ROB BOWLES

(MSS. H. of L.)⁷⁰

May 30, HL. After hearing counsel this day, for and against the bill, intituled, An act to settle the trade to Africa:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the House shall be put into a committee upon the said bill, on Wednesday next, at eleven of the clock.⁷¹ (*L. J.*, XVI. 305.)

May 30, HC. Mr. Yates, according to order, presented to the House a bill for giving leave to the ship *Maryland Merchant*, to import her lading into this kingdom:⁷² and the same was received; and read the first time.

Resolved, that the bill be read a second time upon Friday morning next. (*C. J.*, XII. 291.)

June 3, HC. A bill for giving leave to the ship *Maryland Merchant* to import her lading into this kingdom was, according to order, read a second time.

Resolved, that the bill be committed to Mr. Yates, Mr. Colt, Sir Matth. Andrews, Sir Tho. Day, Mr. Lowther, Mr. Baldwyn, Sir Henry Dutton Colt, Mr. Jennings, Mr. Evelyn, Mr. Osborne, Mr. Gery, Sir Wm. Honywood, Mr. Morgan, Mr. Ashby, Lord Digby, Mr. Lampton, Mr. Fuller, Mr. Whitaker, Sir Richard Onslow, Mr. Onslow,⁷³ Mr. Bertie, Mr. Harrison, Mr. Blofeild, Mr. Thompson, Mr. Maudet, Colonel Kirkby, Sir Ralph Delavall, Sir Fran. Massam, Sir John Kaye, Mr. York; Sir Wm.

⁷⁰ Calendared, *ibid.* Endorsed, "Barbados Pet for Affrican Bill reade 30 May 1698".

⁷¹ Postponed until June 9. *L. J.*, XVI. 306, 313.

⁷² *Ante*, p. 238.

⁷³ Denziel Onslow represented the county of Surrey, as did Sir Richard, just named, and there was also in this Parliament Foot Onslow, for Guildford.

Lowther, Colonel Osbourne, Mr. Pocklington, Sir Robert Cotton, Mr. Swift, Mr. Hammond; and all that serve for the counties of Somerset, Devon, and Cornwall: and they are to meet this afternoon at five of the clock, in the Speaker's Chambers. (*C. J.*, XII. 298.)

June 4, HC. A petition of James Denew, Antony Stratton, and Thomas Stark, of London, merchants, in behalf of themselves, and other owners of the ship *Jeffryes*, Captain William Cooper commander, was presented to the House, and read; setting forth, that the said ship sailed for Virginia the 16th of January 1696. with a considerable cargo of woollen manufactures, and was expected back in eight months; but, by contrary winds, and the severity of the winter, was prevented, and is not yet returned: that, by an act for preventing frauds, and regulating abuses, in the plantation-trade, and for want of a certificate of her being registred according to the said act, the said ship cannot come in: and praying a clause to the bill, now passing, concerning the ship *Mariland Merchant*, of Bristoll, may be added, for bringing the said ship in, without incurring the penalty of the said act.

Ordered, that leave be given to bring in a bill for relief of the petitioners, touching the said ship: and that Sir Henry Colt do prepare, and bring in, the bill.⁷⁴ (*Ibid.*, pp. 299-300.)

June 6, HC. Mr. Lowndes, according to order, presented to the House a bill for granting to his Majesty a further subsidy of tonage and poundage, towards raising the yearly sum of 700,000 *l.* for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life: and the same was received.⁷⁵

The bill was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 301.)

June 7, HC. A bill for granting to his Majesty a further subsidy of tonage and poundage, towards raising the yearly sum of 700,000 *l.* for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life, was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*, p. 302.)

June 8, HC. Mr. Yates reported from the committee, to whom the bill for giving leave to the ship *Maryland Merchant* to import her lading into this kingdom was committed, that they had made several amendments

⁷⁴ Not presented. May 28 the *Jeffreys* had been in Maryland. *Cal. St. P. Col.*, 1697-1698, p. 250.

⁷⁵ 9 and 10 Gul. III. c. 23 (*Statutes*, VII. 382). This act granted additional poundage upon goods imported during the king's life, according to the book of rates of 12 Car. II. c. 4. A further subsidy of 1 *d.* per lb. on plantation tobacco, if exported again within a year, was to be repaid. Merchants were granted three months in which to pay the subsidy on tobacco, and allowed a discount at the rate of £10 per hundred for prompt payment. Drawbacks were also allowed upon the exportation of imported plantation sugars, and 3 *s.* per cwt. on the exportation of muscovado sugar refined in England from brown or muscovado sugars imported from America. West India ginger was to pay an additional shilling per cwt.; and all cut whalebone imported, other than in fins, was to be forfeited and pay as a penalty double its value. If the duties levied by this act produced more than £700,000, the surplus was not to be disposed of without the authority of Parliament.

thereunto; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, pp. 302–303.)

June 8, HC. A petition of John Collyns, and others, on behalf of themselves, and the rest of the mariners lately belonging to his Majesty's ship the *Bristoll*, was presented to the House, and read; setting forth, that the said ship did, in June last, take, as prize, a French ship, called the *Flying Hart*, in the West-Indies, being there with Admiral Nevill's squadron, which was richly laden with bale goods, of tissues, silks, plate, jewels, gold, and Spanish money: that Stephen Elliot, captain of the said ship *Bristoll*, sold the said prize, and her cargo; and converted the money to his own use: that, some of the petitioners having gotten some plunder, at the taking the said ship, the said captain compelled the same from them, under pretence of making an equal dividend amongst the ship's company; but never did: and afterwards, the petitioners desiring a dividend, he laid two of them in irons: and praying a committee may be appointed to examine the matter, that the king may have his right, and the petitioners relieved.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House:

And it is referred to Mr. Colt, Sir Robert Rich, Mr. Clark, Mr. Apreece, Mr. Heveningham, Sir Henry Colt, Sir Joseph Tyly, Mr. Culliford, Mr. Yates, Mr. Palmes, Sir Clo. Shovell, Sir Tho. Roberts, Sir Fra. Massam, Mr. York, Mr. Burrington, Mr. Hoar, Mr. Blofeild, Mr. Thornhaugh, Mr. Staynes, Mr. Weld, Mr. Brotherton, Mr. Ryder, Sir Richard Temple, Mr. Roberts, Mr. Pocklington, Sir John Bolls, Mr. Harley, Mr. Mountstevens, Mr. Mountague, Mr. Thompson: and they are to meet this afternoon at five a clock, in the Speaker's Chamber: and have power to send for persons, papers, and records.⁷⁶ (*Ibid.*, p. 304.)

June 8, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the bill for granting to his Majesty a further subsidy of tonage and poundage, towards raising the sum of 700,000 *l.* per annum, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life. . . .

Sir Tho. Littleton reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 306.)

June 9, HC. Ordered, that leave be given to bring in a clause, to add the ships *Margaret* and *Friendship* to the bill for giving leave to the ship *Jeffryes* to import her lading into this kingdom.⁷⁷ (*Ibid.*, p. 306.)

⁷⁶ The committee made no report. There are entries concerning this capture in *Cal. St. P. Col.*, 1697–1698, pp. 128, 167.

⁷⁷ *Ante*, p. 242.

June 9, HC. Sir Tho. Littleton reported, from the committee of the whole House, to whom the bill for granting to his Majesty a further subsidy of tonage and poundage, towards raising the sum of 700,000 *l.* per annum, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life, was committed, the amendments, made by the committee, to the said bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, XII. 307.)

June 9, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act to settle the trade to Africa.

After some time, the House was resumed.

And the Lord Herbert reported, that the committee had gone through the said bill; and think it fit to pass, with some amendments.

Which, being read twice, were agreed to. (*L. J.*, XVI. 315.)

June 10, HL. *Hodie 3a vice lecta est billa*, intituled, An act to settle the trade to Africa.

The question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir John Francklyn:

To return the said bill, and desire their concurrence to their Lordships amendments made thereto.⁷⁸ (*Ibid.*)

June 10, HC. An ingrossed bill for giving leave to the ship *Maryland Merchant* to import her lading into this kingdom was read the third time.

And an amendment was proposed to be made to the bill, to insert "lading or" before "importation":

And the same was, upon the question put thereupon, agreed unto by the House; and the bill amended at the table accordingly.

Resolved, that the bill do pass: and that the title be, An act for giving leave to the ship *Maryland Merchant*, of Bristoll, to arrive, and import her lading into this kingdom.

Ordered, that Mr. Yates do carry the bill to the Lords, and desire their concurrence thereunto.⁷⁹ (*C. J.*, XII. 307.)

June 10, HC. An ingrossed bill for granting to his Majesty a further subsidy of tonage and poundage, towards raising the yearly sum of 700,000 *l.* for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life, was read the third time.

Resolved, that the bill do pass: and that the title be, An act for granting to his Majesty a further subsidy of tonage and poundage, towards raising the yearly sum of 700,000 *l.* for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life.

⁷⁸ *C. J.*, XII. 308.

⁷⁹ *L. J.*, XVI. 316.

Ordered, that Sir Thomas Littleton do carry the bill to the Lords, and desire their concurrence thereunto.⁸⁰ (*Ibid.*, p. 308.)

June 11, HC. A petition of several merchants trading to the plantations in America, on behalf of themselves, and others, was presented to the House, and read; setting forth, that the petitioners are interested, as owners, in several ships, that sailed from London, and other foreign parts, into the plantations in America: that, upon the arrival of several of the said ships there, the governors, or other officers, seized and stopped the same, for want of a certificate, according to the act for preventing frauds, and regulating abuses, in the plantation-trade; which was really omitted through inadvertency and ignorance of the petitioners: and praying, that the petitioners may be relieved, so that their said ships may not incur the penalties of the said act, for omitting only to register the said ships pursuant thereunto.

Ordered, that leave be given to bring in a bill for enlarging the time for six months, for registering ships which are English built, and English property.

Ordered, that in the said bill be included prize-ships to be named, and proved to be lawfully condemned by the Admiralty, and bought: and that Mr. Jeffrys and Mr. Moore do prepare, and bring in, the bill.⁸¹ (*Ibid.*, p. 309.)

June 11, HC. The House proceeded to take into consideration the amendments, made by the Lords, to the bill, intituled, An act to settle the trade to Africa:

And the same were twice read; and, upon the question put thereupon, agreed unto by the House; and are as follow; *viz.*

4 sk. 16 l. after "that", insert "to the best of his knowledge and belief".

L. 28, after "permitting", add "or not being hindered by other unavoidable accidents".

7 sk. 18 l. for "England", read "Africa".

Ordered, that Mr. Norris do carry the bill to the Lords, and acquaint them, that this House hath agreed to the said amendments.⁸² (*Ibid.*)

June 15, HL. *Hodie 1a vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life. (*L. J.*, XVI. 317.)

June 16, HC. Mr. Jeffryes, according to order, presented to the House a bill for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses, in the plantation-trade: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time. (*C. J.*, XII. 317.)

⁸⁰ *Ibid.*

⁸¹ 9 and 10 Gul. III. c. 42 (*Statutes*, VII. 425). By this act English-built ships were allowed nine months from Mar. 25, 1698, for registering.

⁸² *L. J.*, XVI. 317. Royal assent was given July 5; *ibid.*, p. 343.

June 16, HL. *Hodie 1a vice lecta est billa*, intituled, An act for giving leave to the ship *Maryland*, of Bristol, to arrive, and import her lading into this kingdom. (*L. J.*, XVI. 319.)

June 17, HC. A bill for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses, in the plantation-trade, was read a second time.

Resolved, that the bill be committed, in order to enlarge the time beyond six months:

And it is referred to Mr. Jeffryes, Sir John Elwill, Mr. Colt, Sir John Bolls, Mr. Staynes, Mr. Blofeild, Mr. Eyres, Mr. Perry, Mr. Thompson, Sir Fran. Massam, Mr. Osborne, Mr. Vice-Chancellor, Mr. Yates, Mr. Baldwyn, Mr. Culliford, Mr. Pocklington, Mr. Fleming, Mr. Farrer, Mr. Mountague, Mr. Moor, Mr. Manly, Mr. Fuller, Mr. Mawditt, Mr. Norris, Mr. Mounstevens, Mr. Harrison; and all the merchants of the House: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (*C. J.*, XII. 318.)

June 18, HC. Mr. Jeffryes reported from the committee, to whom the bill for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses, in the plantation-trade, was committed, that they had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 319.)

June 20, HC. An ingrossed bill, for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses, in the plantation-trade, was read the third time.

Resolved, that the bill do pass: and that the title be, An act for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulateing abuses, in the plantation-trade.

Ordered, that Mr. Jeffryes do carry the bill to the Lords, and desire their concurrence thereunto.⁸⁸ (*Ibid.*, p. 321.)

June 20, HL. *Hodie 2a vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

After some time, the House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (*L. J.*, XVI. 321.)

⁸⁸ *L. J.*, XVI. 322.

June 20, HL. *Hodie 2a vice lecta est billa*, intituled, An act for giving leave to the ship *Maryland Merchant*, of Bristoll, to arrive, and import her lading into this kingdom.

Ordered, that the consideration of the said bill be committed to the Lords following; (*videlicet*,)

March. Halifax, *Comes* Bridgewater, *Comes* North'ton, *Comes* Manchester, *Comes* Stamford, *Comes* Scarsdale, *Comes* Bathe, *Comes* Burlington, *Comes* Maclesfeld, *Comes* Yarmouth, *Comes* Rochester, *Comes* Marleborough, *Comes* Scarbrough, *Comes* Tankerville, *Comes* Orford, Viscount Townshend, *Epus*. Londin., *Epus*. Winton., *Epus*. Cicestr., *Ds*. Bergevenny, *Ds*. Willughby Er., *Ds*. Lawarr, *Ds*. Berkeley Ber., *Ds*. Wharton, *Ds*. Hunsdon, *Ds*. Brooke, *Ds*. Jermyn, *Ds*. Vaughan, *Ds*. Culpeper, *Ds*. Rockingham, *Ds*. Berkeley Str., *Ds*. Granville, *Ds*. Guilford, *Ds*. Godolphin, *Ds*. Jeffreys, *Ds*. Herbert.

Their Lordships, or any five of them; to meet to-morrow, at nine of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*Ibid.*, p. 323.)

June 21, HL. *Hodie 3a vice lecta est billa*, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.⁸⁴ (*Ibid.*, p. 324.)

June 21, HC. A petition of George Shuttleworth merchant was presented to the House, and read; setting forth, that the petitioner was trading in Newfoundland when Monsieur Ponti came to anchor there, and when Captain Norris, commander in chief of the English ships, was likewise there;⁸⁵ and the petitioner being informed, that his Majesty's forces there were in great want of victuals, and, if he could supply them, he should be paid the price of the country for them, he readily furnished them therewith, and is not paid to this day; and is informed, when paid, a considerable abatement will be made: and praying his case may be taken into consideration, that he may be no loser by serving his Majesty.

Ordered, that the said petition do lie upon the table until the report be made from the committee, to whom the petition of Captain Desborough was referred.⁸⁶ (*C. J.*, XII. 323.)

June 22, HL. *Hodie 1a vice lecta est billa*, intituled, An act for enlarging the time for registering of ships, pursuant to the act for preventing frauds and regulating abuses in the plantation trade. (*L. J.*, XVI. 325.)

⁸⁴ *C. J.*, XII. 324. The royal assent was given July 5; *L. J.*, XVI. 342-343.

⁸⁵ Concerning Ponti, or Pointis, and his squadron off St. John's in July, 1697, see *MSS. H. of L.*, 1697-1699, pp. 332-350 *passim*; *Cal. St. P. Col.*, 1697-1698, pp. 40-41. Mar. 24, 1698, Shuttleworth attended the Council of Trade to represent that he carried a letter from Conception Bay to St. John's, N. F., with information of the presence of the squadron. *Ibid.*, p. 141.

⁸⁶ *Ante*, p. 233.

June 22, HL. The Earl of Stamford reported from the Lords committees,⁸⁷ the bill, intituled, An act for giving leave to the ship *Maryland Merchant*, of Bristoll, to arrive, and import her lading into this kingdom, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for giving leave to the ship *Maryland Merchant*, of Bristoll, to arrive, and import her lading into this kingdom.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.⁸⁸ (*L. J.*, XVI. 325.)

June 23, HL. *Hodie 2a vice lecta est billa*, intituled, An act for enlarging the time for registering of ships, pursuant to the act for preventing frauds and regulating abuses in the plantation trade.

Ordered, that the said bill be committed to the same committee to whom the bill, intituled, An act to stop the coining of half-pence and farthings for one year, is referred. (*Ibid.*, p. 326.)⁸⁹

June 25, HC. Sir Tho. Littleton, according to order, reported, from the committee of the whole House, for ways and means for raising the supply granted to his Majesty, to whom it was referred to consider of the report from the committee, to whom the petitions of the glass-makers and tobacco-pipe-makers were referred, the resolutions of the said committee; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that, towards the said equivalent, a further duty be laid upon whale-bone imported.

Resolved, that it is the opinion of this committee, that the said duty upon whale-bone be six-pence per pound, to be paid by the importer.

Resolved, that it is the opinion of this committee, that the said duties upon whale-bone, and Scotch linen, be granted to his Majesty, his heirs and successors.

Then the second, third, fourth, fifth, sixth, seventh, and eighth, resolutions being severally read a second time, the same were, upon the question severally put thereupon, agreed unto by the House.

The last resolution being read a second time:

Resolved, that the said resolution be postponed.

⁸⁷ In the committee this day there were read: certificate of the customs that this ship was entered outwards in Bristol port for Virginia, Nov. 9, 1694, was cleared on Dec. 8, and had not since returned; affidavit of Bristol merchants that this vessel, of 300 tons, belonged to the city and port of Bristol since 1676 and, with the exception of one voyage, had been used exclusively in the Virginia trade, that she was in great part of English and plantation timber, that being forced into Lisbon on her present voyage, the crew left her, and that after her arrival in Virginia, the extreme frosty weather prevented her being laden before Mar. 25 last, so that her seamen, concluding she would not be permitted to return home, left her, whereupon the owners' agents discharged out of her what cargo she had taken on board in Virginia. *MSS. H. of L.*, 1697-1699, p. 255.

⁸⁸ *C. J.*, XII. 329. Royal assent, July 5; *L. J.*, XVI. 344.

⁸⁹ *Ibid.*, p. 309.

Ordered, that a bill be brought in upon the said resolutions agreed unto: and that Mr. Attorney-General, Mr. Solicitor-General, and Mr. Lowndes, do prepare, and bring in, the same.⁹⁰ . . . (C. J., XII. 330.)

June 27, HC. Mr. Lowndes, according to order, presented to the House a bill for taking away half the duties lately imposed on glass-wares, and the whole duties lately laid on stone and earthen-wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale-fins, and Scotch linen: and the same was received; and read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 331.)

June 28, HC. A petition of the Company of Merchants of London trading to Greenland was presented to the House, and read; setting forth, that the fishing-trade to Greenland hath always been esteemed an advantageous trade to this nation; and that, for the recovery thereof, they have sustained, at least, 50,000 *l.* loss: that, by two acts of Parliament made in their behalf, no duty for any blubber, oil, or fins, by them imported in any ships, should be paid: and praying to be heard, at the bar of the House, before the bill do pass for laying 6 *d.* per pound on whale-fins.

Ordered, that the said petition do lie upon the table until the said bill be read a second time.

The bill was read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider of the said bill.

Ordered, that the consideration of the said petition be referred to the said committee: and that the petitioners do attend the same; and be heard thereupon to-morrow morning. (*Ibid.*, pp. 331–332.)

June 28, HC. Mr. Arnold reported, from the committee, to whom the petition of Captain Desborough was referred,⁹¹ the matter, as it appeared to the said committee; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read; and is as followeth; *viz.*

It was admitted, that Captain Desborough was commander of the *Mary Gally*; and that such a squadron was sent to Newfoundland, as in the petition; and that his Majesty gave such prizes as they should take, amongst them, for their encouragement; and that several prizes were taken, in their cruising, after their arrival at Newfoundland; but not to be distributed, as Captain Desborough alleged.

Captain Desborough said, that, about the 7th of June, the said squadron arrived at Newfoundland; and, about the 15th, a division went out a cruising, and took a prize half-laden with fish; and another, of about 160 ton, laden with wine, brandy, provisions, and cloaths for soldiers and officers; and, about the 20th of June, returned to Saint John's:

That, about the 2d of July, another division went out to cruise; and, on the 5th, took two prizes, merchants ships, coming from France, under

⁹⁰ 9 and 10 Gul. III. c. 45 (*Statutes*, VII. 447). On whale fins taken by the Greenland Company the sum of 3 *d.* per lb. was levied; if taken by foreigners or by vessels not belonging to the said company, the duty was fixed at 6 *d.*

⁹¹ *Ante*, p. 233.

the convoy of Monsieur Nesmond,⁹² which cost 40,000 *l.* as the prisoners said; and were laden with 700 bales of linen and woollen cloths, 600 hogsheads of claret, and 4 or 500 hogsheads of brandy; besides several other rich merchandizes, and plate:

That, the 19th of July, they returned, with those prizes, into St. John's harbour, and fell to plunder them; and put the goods on board the *Monk*, *Portland*, and *Guernsey*; which were so crowded, that they were incapable of fighting, and could not be timely cleared, in case an enemy had come to attack them:

That, about the 23d July, four English prisoners made their escape from Mr. Ponti's five ships, who appeared, the 21th, off the harbour of St. John's;⁹³ and the petitioner's boat took them off the shore; and examined them in the boat; and all of them gave an account, that they had escaped from Ponti, who was come from Cartagena, very richly laden, and very weak of men and provisions: and, the same day, the petitioner carried them before Commodore Norris,⁹⁴ who examined them; and, at first, told him the same story; but, being afterwards threatened, they varied in their informations, and thought they had committed a crime, in escaping from the French.

That the petitioner expected his share of the prizes, being in company when they were taken; but neither he, nor his ship's company, had any.⁹⁵

To prove this matter, he called

William Essex: Who said, that several days he saw prize-goods, both wines and brandy, carried on board the *Monk* and *Guernsey*; and that a fair was kept on board the *Monk*, for sale of the goods, where he has seen four or five inhabitants of the place at a time [a buying];⁹⁶ and also fishermen:

That he was several days on board the *Monk*; and she was so pestered with prize-goods, between the decks, both before and after the four English prisoners gave an account of Ponti's being on the coast, that the seamen had not room to manage the guns, in case they had been attacked.

And, being asked, what quantity of goods he thought might be on board the *Monk*? he said, he could not tell; but believed there might be about 30 or 40 tons.

Mr. Edward Tanner said, that he was surgeon of a transport-ship, lying in St. John's harbour; and was aboard the *Monk*, and *Guernsey*, which was very much pestered with prize-goods; of which he bought some; and was drinking in the surgeon's cabin, between decks, which was very much crowded with them, and also the gun-room, when the report was of the enemy's being on the coast.

Stephen Rainsford said, that he was on board the *Monk*, and *Guernsey*, at the time Ponti appeared on the coast; and, between the decks and the

⁹² Concerning the Chevalier Nesmond, see Prowse, *Hist. of Newfoundland*, pp. 213 *et seq.*

⁹³ *Ante*, notes 47, 85.

⁹⁴ *Ante*, note 47.

⁹⁵ Note in *Journals*: "This paragraph is supplied from the original report."

⁹⁶ Supplied from original report.

guns, they were so stored with prize-goods, that the men could not traverse the guns, if attacked; but he was not down in the hold.

Tho. Smart, cockswain of the *Monk's* boat, said, he saw several bale-goods brought on board the *Monk*; but does not believe, there were so many stored between the decks, but that they might be put into the hold upon occasion; nor does he know what goods were in the hold, though he lies there; nor what quantities between the decks.

John Huntington said, that many prize-goods were brought on board the *Monk*, and other ships: that the goods on board the *Monk* lay so between decks, and on the quarter-deck, and abaft the mast, being hogs-heads of wine and brandy, that when it was said, that *Ponti* appeared before the harbour, the guns before the mast could not play; but that the hold was not so full, but it would have received them.

Being asked, if the goods belonged to the officers, or the men? he answered, to both; but the men were cheated of their shares; and several complaints were made, that their wine and brandy was drawn out; though he cannot say any complaint was made to *Commodore Norris*.

Thomas Philliter said, that great quantities of prize-goods, of hogs-heads of wine and brandy, and bale-goods, were stored on board the *Monk*, *Guernsey*, and other ships: that he was in the *Monk*; which was so over-stored, abaft the mast, that she could not be cleared in time, if she must have fought: that her hold was so full of such goods, that there was not room enough for provisions.

Charles Hasfeild said, that he was often on board the *Monk*; and did see so many prize-goods stowed between decks and the guns, that they could not be traversed at the time when the said five ships appeared.

Nicolas Harman said, that he was often on board the *Monk*; where he saw about ten or fifteen hogsheads and quarter-casks lie upon the deck, to serve the men with; which he believes might be removed out of the way on occasion; but he did not see any bale-goods in the hold.

John Symonds said, that he was that morning, when the five French ships appeared, on board the *Monk*; and saw bale-goods, and wine and brandy in casks, in the steerage; which he believes might have been cleared in an hour and half; and that the enemy could not have come up with them in less than two or three hours; but those goods, then, so lay in the way, that the guns in the steerage could not be traversed without removing the goods: and said, 'tis not usual to stow goods in the steerage, but in the hold.

John Bayly, quarter-gunner of the *Monk* said, that he was quartered in the powder-room, in time of service; and that he saw therein several bales of goods, five quarter-casks of brandy, and two of wine, lying close to a chest of cartridges filled with powder; but knows not by whose order they were put there; but believes they belonged to *Lieutenant Bass* and the master; and saw several long-boats full of bale-goods, carried from on board the biggest of the two prize-ships: that there were about 150 men on board the *Monk*, who had a quart of wine per day, for about thirty days, ordered them, of the prize-wine; and they had also some small dividend of prize-goods; the informant receiving the value of about forty shillings.

It appeared to the committee, that what Bayly called the powder-room was the filling-room, over the powder-room, where nothing but the ship's rubbish lies; and is never used as a powder-room, but in time of fight.

To prove intelligence of Pontie's squadron,

Mr. Shuttleworth, a merchant,⁹⁷ said, that, he being in a merchant-ship, at Carbonere, the 24th of July, one Captain Scomberbatch,⁹⁸ an English prisoner taken by Ponti, who came on shore there from Consumption-Bay, to get fresh provision for Ponti's squadron, being informed of Commodore Norris's squadron at St. John's, delivered a letter to Mr. Edwards; and the informant, for Captain Norris acquainting him, that they were Monsieur Ponti's squadron, from Cartagena, richly loaden, and weakly manned; and that, that was the time to make himself, and serve his country: that the said Edwards and the informant crossed the bay in a boat, being chased, and like to be taken, by the French; and, the 24th of July, delivered the letter to Captain Norris: that, afterwards, the informant offered to go, as a fisherman, to Pontie's fleet, in confirmation of the report he had given; but a council of war was called, wherein it was generally agreed, that the five ships were part of Nesmond's squadron; as appeared by Captain Norris's orders, given to Captain Desborough, when he was sent out for intelligence.

That, on the 26th day of July, he went out with Captain Littleton in his long-boat, near Carbonere; and took 25 French prisoners; about eight whereof, Captain Littleton examined separately in French, by Shuttleworth's interpretation; who all agreed, that they were belonging to Ponti's ships, who was very richly laden, and weakly manned; and, rather than they would starve, ventured into an enemy's coast for provision: of which Captain Norris was acquainted; who thereupon called a council of war the 28th; wherein it was resolved not to pursue the French fleet.

Captain Desborough said, that he, on the 24th day of July, was ordered to go to sea, to gain intelligence of the enemy; but could not get out of the harbour till the 26th: that he was present at the council of war held the 24th; when the question was put, that our squadron should go to sea; and gave his reasons for going to sea, and fighting the enemy; but Captain Norris, as he remembers, and the generality of the captains, were not for going to sea; and Captain Drake, Captain Littleton, and Captain Roffee, were always against it; and thinks it did not come to Captain Norris his turn, to declare his opinion; he not signing in his presence, as most of the others did.

28th July, he saw five sail of French ships, in Conception-Bay: one of about 80 guns, with a flag at main-top-mast head; the others of about 70, 60, 50, and 45, guns, apiece; which they viewed fairly, being about four or six miles distance; and, the same day, got into St. John's, and acquainted Captain Norris therewith, at a council of war then sitting; and offered divers reasons for going to sea; but his intelligence was not believed.

⁹⁷ See his petition, *ante*, p. 247.

⁹⁸ Alexander Cumberbatch (*MSS. H. of L.*, 1697-1699, pp. 325, 333-334). Carbonear is on the west side of Conception (not Consumption) Bay.

The same day he was ordered out again, to get further intelligence; and, on the 29th, he saw four lights, it being thick and foggy; they were near them, and made them to be the enemy, standing E. by N. and bore after them; the sternmost fired a gun, and all the lights were put out, upon a signal; and so lost sight of them in a fog; and, on the 31st, went into St. John's with the boat; and gave this account to Captain Norris.

That the same day he was ordered out again; and, on the 2d of August, took on the Bank, a French ship, of about 70 or 80 ton, belonging to Nants, having nothing in her but salt to cure fish: that, on the 18th of August, off Cape-Pine, he descried 15 sail of French men of war, and fire-ships, and came within 3 guns shot of them; and kept them company till they could get about Cape St. Mary's, to go into Placentia; and, on the 9th, got into St. John's with the boat; and gave Captain Norris an account of his last cruise.

To prove his cruisings, -

John Stoneman, master of the *Mary Gally*, produced his journal; which, he said, is true, and was made at the times, as the several observations happened:

And Captain Norris also delivered in a copy of Captain Desborough's journal, from the 26th of July to the 9th of August last; which agrees in effect with the master's.

11 August: That a court-martial was held on board the *Monk*; where the petitioner was tried for his neglect of duty, and breach of orders, and dismissed of his employment, as commander of the *Mary Gally*; and Captain Cleasby was put into his room: and the petitioner desired to return to England in the *Mary Gally*, but was denied, the cabin being taken up by two women, who had been prisoners: that, afterwards, he went on board the *Lime*, whereof Captain Trevanion, his old acquaintance, was commander; where he was civilly treated till he made complaint of his hard usage; and then he was told, that Captain Norris had ordered him to be set on shore, if he made such complaints; whereupon, he betook himself to his prize that he had taken; which was very unfit for a voyage; and was unfortunately cast away on the coast of Ireland; where he lost all his papers, and was in great danger of being drowned.

To prove embezzlement of the king's stores; he called,

William Essex: Who said, that several stages were built, and covered with the king's sails, for curing of fish that was caught; and was sure, that some fish that was so made, was put on board a prize-ship called the *Bullet*, taken by the *Monk*; and provisions were also taken out of the *Monk*, and put on board the prize, which was afterwards sent away to be sold.

Stephen Rainsford said, that the stages were fixed with the king's nails, sails, and materials to cure fish; which, after it was made, was put on board the said prize-ship, and sent to the Straits to be sold; and the ship was also fitted up with the king's stores; and manned with the king's men:

That a stage for curing fish, called the *Lyon Stage*, was built with the king's materials, and kept by Captain Dove: and that he saw the said prize-ship hauled up and cleaned by several of the king's men; and afterwards she was sent away to be sold with fish.

William Clark said, that the *Portland* boat was out a fishing for Commodore Norris his use, as the men told him.

Captain Desborow said, the men might have been better employed for his Majesty's service, in keeping their ships clean, and in order, and by going ashore to help make the fortifications.

In answer to all which charges;

First, as to the prizes, and distribution, and stowage; *Captain Norris* said, that though his Majesty had given them such prizes as they should take, the prizes were distributed according to his instructions, and an act of Parliament for that purpose:

That the ships were never so pestered with prize-goods, but that they might have been ready to fight on any occasion; and none of the goods being taken out of the hold of the said two prizes, till after the five French ships had left St. John's harbour.

Captain Smith, a land-officer: That he was on board the *Monk* the 22th, when *Ponti* appeared in the offing of St. John's harbour; and is sure the ship was not then pestered with prize-goods; every thing being so clear, that the guns might play any way; and at all times might be cleared, as occasion required: that once, upon a suspicion of the enemy's attacking them, his chest, wherein all his linen was, standing upon deck, was put down in the hold; at which he was very angry, because he believes, there was not 10 *l.* worth of goods then aboard.

Lieutenant Harvey, his lieutenant: That his cabin was between decks on board the *Monk*; but he saw no incumbrance of goods, at any time, to hinder the guns or men; only, some small quantities at a time, while they were distributed to the men.

Captain Stapleton said, he was between decks on board the *Monk*; and that he never saw, at any time, upon the deck, more goods than would lie on the table before the committee: and that no goods were taken out of the hold of the said prize-ships, till after the enemy had left St. John's harbour; tho' he believes, the men might take some small matters from between decks before that time; but great part of the prize-goods were returned into the prize-office.

Samuel Jones, master of the *Monk*, said, that not one bale of goods, nor a cask of any thing, was taken out of the prize-ships till about the 26th of July; which was three or four days after the enemy appeared before St. John's harbour; tho' perhaps the men might take some little matters between decks.

Captain Littleton and *Lieutenant Hubbert* confirmed the same.

As to the value of the prizes, and quantity of the goods; *Captain Norris* said, there was not above the value of 6000 *l.* taken out of the two ships, which was distributed amongst the persons to whom it belonged; the rest of the goods being returned into the prize-office.

Captain Stapleton said, that there was not aboard the said prize-ships when they were taken, above two hundred thirty bales of goods, which were designed for the Canada trade; and consisted of coarse linen, coarse blankets, and old shoes; and might be worth about four or five pounds per bale: and that *Captain Desborow* bought some of the linen, at 6 *d.* per yard.

Captain Littleton said, that there were several hogsheads of nuts taken on board the said prizes; and that some of the bales consisted of old shoes, and old stockens, and brass rings, and glass beads; and believes, that the whole value of the goods taken out of the prize-ships could not be worth above 6000 *l.*; which was shared according to every man's proportion.

Captain Roffee also confirmed the same matter.

Samuel Jones said, that he took an account of the bales taken out of the said prize-ships, which were between two hundred twenty, and two hundred thirty; and thinks they could not be worth above four or five pounds per bale; and all the goods that were shared, not in value above 6000 *l.*

Lieutenant Hubert said, that he saw several goods and things of small value shared amongst the men.

Captain Norris informed the committee, that the captains of the English squadron, before they left England, met together; when it was proposed, that what prizes soever should be taken, should be shared amongst them; but *Captain Desborow* was utterly against it, and made a separate agreement for that purpose with *Captain Trevanion* commander of the *Lime*; because, as it was imagined, they were the best sailors:

Captain Trevanion said, that he made such contract with *Captain Desborow*; and believes, he was not for shareing with the rest, because he sailed better than they.

Captain Desborow owned the agreement with *Captain Trevanion*: and said, that *Captain Norris*, *Captain Littleton*, *Captain Stapleton*, and *Captain Roffee*, shared prizes between them.

It was admitted, that intelligence was given of the enemy, by the four prisoners, by *Cumberbath's* letter, also by the twenty-five French prisoners, and by *Captain Desborow*; but not in such manner as aforesaid.

Captain Norris said, that the prizes taken on the 5th of July, were merchants ships, coming from France, under the convoy of *Mr. Nesmond's* squadron; consisting of 15 sail of men of war; bound for *Placentia*, as the prisoners informed:

That, on the 21st of July, several sail, supposed to be the enemy, were seen in the offing: whereupon, our ships all moored in a line of battle, and boomed the harbour:

On the 22th July, the regiment, upon a report, that several Indians, with the French, intended to attack them, by a council of war was received on board:

The 23th, the four English prisoners were brought on board the *Monk*; and examined; who telling different stories, little or no credit was given to them, having been taken but the day before they escaped; and never on board the French men of war:

And, on the 24th, a council of war was called; wherein it was generally agreed, that, in consideration of the said five ships, and a report of more being seen to the southward, they were part of *Mr. Nesmond's* squadron; and that a clean frigate should make their squadron: and, accordingly, *Captain Desborough* was ordered out for that purpose:

That afterwards, the same day, he received an express, from the masters of several merchant-ships at *Carbonere*, of five French men of war being seen off there; and thereupon, he called another consultation, whereat

they were adjudged to be part of Monsieur Nesmond's squadron: and, upon the question put, whether or no our squadron should go to sea; every man signed his vote to his name; and it passed in the negative.

That *Captain Norris* said, he could not say, who were for fighting, or who not; but, he is sure, he then, and on all other occasions, voted to go to sea; and did sign the paper for that purpose with the rest.

To prove which;

Captain Dove said, that, on all occasions, Captain Norris was ready for, and voted, to go to sea; and particularly, at the said consultation of the 24th of July; when there was a division.

Captain Stapleton said, that Captain Norris [always] shewed [great]⁹⁹ willingness to engage the enemy, whether Pontî's or Nesmond's squadron.

Captain Wade said, that Mr. Norris was always very forward to go out; and that, at the council of war, of the 24th July, he divided upon the question for going to sea.

Captain Littleton said, Captain Norris, at that council of war, declared for going to sea so publickly, that Captain Desborow must needs hear him; and that he always was for fighting the enemy: and the sea-officers were generally for fighting, but the land-officers generally against it.

Captain Braxton, Captain Hargrove, Captain Smith, all land-officers, said, that Captain Norris always shewed an extraordinary willingness to engage the enemy.

Captain Norris said, that, upon the receipt of Captain Scomberbatch's letter, he called a consultation the 25th of July; and, upon the debates of his letter, wherein he says, he came from on board Monsieur Pontî, and is said to be returned to him again, it was believed that Monsieur Nesmond was come into the country; and that Cumberbatch was sent a shore for their service: so it was agreed, that their squadron should continue in St. John's, till further intelligence.

Captain Littleton said, that he took the 25 French prisoners, and examined several of them; who said, they belonged to Pontî's squadron, and came from St. Peter's Island,¹⁰⁰ to buy provisions: but the next day they were carried before Commodore Norris, and examined at a council of war; and then they said, they had not been at St. Peter's: and, upon other intelligence, both by sea and land, it appearing at the said council of war, held 28th July, that the said squadron was to rendezvous at Placentia; and, when they lay off St. John's harbour, they had fair winds to go to Placentia, yet plied to the northward, and went into Consumption-Bay, and stayed there some time, knowing of our strength; it was very probable Monsieur Nesmond was at Placentia, or upon the coast of Newfoundland: and, upon debate of the matters; and that the publick service might suffer greatly by dividing the fleet and land forces, in case their communication should be prevented; it was agreed, that our squadron should not sail in pursuit of the French fleet:

That, the day before those prisoners were taken, Captain Doyley, commander of an English gally, saw a clean frigate of about 60 guns, belong-

⁹⁹ Supplied from original report.

¹⁰⁰ St. Pierre.

ing to Nesmond's squadron, who also chased Doyley as he said, take an English merchant-ship near the Bank.

Captain Norris said, that *Captain Desborow's* intelligence of *Ponti*, to the council of war held the 28th July, was looked upon to be but a slight account: so he was ordered to sea again.

Captain Dove said, that the council of war could not believe, that *Captain Desborow* could be within nine or ten miles of *Ponti*, by the account he gave of his bearings on the cape, and time of the day, when he said, he was within four or six miles, and fairly saw them; for that, *Captain Norris's* lieutenant being then out in his long-boat, and within four miles of the said ships, at the same time *Captain Desborow* said he was within four or six miles, as appeared by both their journals; yet the lieutenant could not tell what to make of them, other than that they were five sail: and *Captain Desborow*, being then asked, whether it was a swallow-tail flag, or not, that he saw, said, he could not tell.

Captain Stapleton said, that the *Mary Gally* came in four or five hours before the long-boat; so that it was presumed, *Captain Desborow* had not been near enough to discover the enemy.

Captain Norris said, that, as to *Captain Desborow's* second intelligence of the 31th of July, of the said five French ships, he was afterwards, *viz.* on the 11th of August, tried by a court-martial for neglect of duty, and breach of orders; for that, though the enemy made false fires, and put out their lights, being signs of fear, yet *Captain Desborow* went to *Carbonere*, and did not give intelligence thereof till three days after, when he might have done it the next morning; for which he was dismissed from his employment.

That *Captain Desborough* was, after his said neglect of duty, sent out to gain further intelligence of the enemy; because there was never another clean ship in the squadron fit for that service; and for that, it was thought, he might be the more diligent, being told of his fault; and, accordingly, brought such an account, as he before alleged, of the 15 sail of French ships.

Captain Norris also said, that he always acted according to a council of war, pursuant to his instructions, without any particular prejudice to *Captain Desborough*.

Captain Desborow said, that, after he had lost *Ponti* in a fog, it pouring down rain, and it being before resolved not to fight him, he went to *Carbonere* to learn intelligence of him; where, going ashore, the people, for joy that he was gone, fired several guns, and drank the king's health; and then the petitioner drank confusion to those that were not for fighting *Ponti*: and said, that if he had committed a fault, he hoped it was only an error in judgment, his orders being to return in three days, which he did.

To answer the charge of embezzling of stores;

Captain Norris said, that he did not give any encouragement for the men to fish, any otherwise, than that it was thought, by the general approbation of the officers, to be for his Majesty's service, that they might take some fish, their provisions being very short; but denied, that he had any share of what was caught, or gave orders for their fishing; though,

he believes, 'tis usual for men of war to fish, in some measure, when they come there:

That all the fish laden on the prize-ship, that was taken by the *Monk*, was bought with his own money; and sent to Portugal to be sold, there being no buyers at Newfoundland, nor other seamen, than what belonged to his Majesty's ships, who are commonly put on board prize-ships, but not to prejudice the service.

As to the other matters charged by the petitioner, after his dismissal;

Captain Norris said, that, upon application made by *Captain Trevanion*, in behalf of *Captain Desborow*, he said, that he desired to come to England in the *Mary Gally*; to which *Captain Norris* replied, that he might so do with all his heart, or in any other of the king's ships: but, the cabin of the said gally, being taken up by an English merchant, and his wife and daughter, who had been taken prisoners by the French, *Captain Desborow* went on board the *Lime*, *Captain Trevanion* commander, where he was very civilly treated; yet he was frequently making complaints of his ill treatment: and, *Captain Trevanion* telling *Captain Norris* of it, he bid him set *Desborow* ashore, in case he continued railing: and he desired, that he might have the said prize-ship he had taken; *Captain Norris* freely gave her up to him, with all his right therein; and ordered the several captains of the squadron to furnish him with what stores he should want, and they could spare, for fitting up his said ship, to be deducted out of his pay; but knew nothing to the contrary, till he came to England, but that *Captain Desborow* did come home in the *Lime*.

Captain Trevanion affirmed the truth of this matter to the committee; and said, that he brought *Captain Desborow's* books and papers to England, on board the *Lime*.

Captain Desborow: That he never before heard of *Captain Norris's* civility to him, in that nature; and owned, that *Captain Trevanion* brought home his ship-books and accounts; but that he had lost all his private papers, when he was cast away.

Also the petition of *Geo. Shuttleworth*, merchant, which lay on the table, was read:

And a debate arising thereupon;

Resolved, that the debate be adjourned till to-morrow morning.¹⁰¹
(*C. J.*, XII. 332-335.)

June 29, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the bill for taking away half the duties lately imposed on glass-wares; and the whole duties lately laid on stone and earthen-wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale-fins, and Scotch linen. . . .

Sir Tho. Littleton reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 336.)

June 29, HL. The Lord *Herbert* reported from the Lords committees, the bill, intituled, An act for enlarging the time for registering of ships,

¹⁰¹ No further action was taken at this session.

pursuant to the act for preventing frauds and regulating abuses in the plantation trade, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for enlarging the time for registering of ships, pursuant to the act for preventing frauds and regulating abuses in the plantation trade.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁰² (*L. J.*, XVI. 332.)

June 30, HC. A petition of several merchants of London, trading to New-England, New-York, and Pensilvania, in behalf of themselves, and other the traders there, touching the duties upon whale-fins from the said colonies, being offered to the House;

And the question being put, that the petition be received;

It passed in the negative.¹⁰³ (*C. J.*, XII. 336.)

June 30, HC. Sir Tho. Littleton, according to order, reported, from the committee of the whole House, to whom the bill for taking away half the duties lately imposed on glass-wares, and the whole duties lately laid on stone and earthen-wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale-fins, and Scotch linen; was committed; the amendments, made by the committee, to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, with an amendment made by the House, as to one of the said amendments, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 338.)

July 1, HC. An ingrossed bill for taking away half the duties lately imposed on glass-wares, and the whole duties lately laid on stone and earthen-wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale-fins, and Scotch linen; was read the third time.

And several amendments were proposed to be made;

Pr. 4. l. 23. and 29. by leaving out "November", and inserting "December", instead thereof:

And the same were, upon the question severally put thereupon, agreed unto by the House; and the bill amended at the table accordingly.

Resolved, that the bill do pass: and that the title be, An act for taking away half the duties lately imposed on glass-wares, and the whole duties lately laid on stone and earthen-wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale-fins, and Scotch linen.

Ordered, that Sir Tho. Littleton do carry the bill to the Lords, and desire their concurrence thereunto.¹⁰³ (*Ibid.*, p. 339.)

July 1, HL. *Hodie 1a vice lecta est billa*, intituled, An act for taking away half the duties lately imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco-pipes; and for granting, in lieu thereof, new duties upon whale fins and Scotch linen. (*L. J.*, XVI. 335.)

¹⁰² *C. J.*, XII. 336. Royal assent, July 5; *L. J.*, XVI. 343.

¹⁰³ *Ibid.*, p. 335.

July 4, HL. After hearing counsel, for and against the bill, intituled, An act for taking away half the duties lately imposed on glass wares, and the whole duties lately laid on stone, earthen wares, and tobacco pipes; and for granting (in lieu thereof) new duties upon whale fins and Scotch linen:

Hodie 2a vice lecta est billa, intituled, An act for taking away half the duties lately imposed on glass wares, and the whole duties lately laid on stone, earthen wares, and tobacco pipes; and for granting (in lieu thereof) new duties upon whale fins and Scotch linen.

Hodie 3a vice lecta est billa, intituled, An act for taking away half the duties lately imposed on glass wares, and the whole duties lately laid on stone, earthen wares, and tobacco pipes; and for granting (in lieu thereof) new duties upon whale fins and Scotch linen.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁰⁴ (*L. J.*, XVI. 339.)

¹⁰⁴ *C. J.*, XII. 342. Royal assent, July 5, on which day the Third Parliament of William III. was prorogued, to be later dissolved (*L. J.*, XVI. 343-345). In addition to the acts that have been listed, there was also passed an act to permit the *Sally Rose*, formerly taken as a prize, to import her lading and to trade as an English-built ship. This vessel had been seized on June 20, 1698, in the Thames, with a cargo of sugar, cotton, wool, etc., from Nevis. 9 and 10 Gul. III., private acts, c. 59 as listed in *Statutes*, VII. 451; no. 104 of the original act in Parliament. *C. J.*, XII. 336, 338, 339; *L. J.*, XVI. 336, 338; *MSS. H. of L.*, 1697-1699, p. 260.

WILLIAM III.: FOURTH PARLIAMENT.

Session of December 6, 1698-May 4, 1699 (10-11 Gul. III.).

1698.

Dec. 14, HC. Ordered, that leave be given to bring in a bill for the more effectual preventing the exportation of corn, meal, and bread, for one year: and that Mr. Heveningham and Mr. Lowndes do prepare, and bring in, the bill.¹ (C. J., XII. 355.)

Dec. 16, HC. The Earl of Ranelagh, according to order, presented to the House a list of all the land forces now in England; and of what other forces are in English pay:

And the same was read; and is as followeth; viz.

Foot.	Troops and companies.	Commissioned officers.	Non-commissioned officers.	Servants.	Private men excluding servants.	Together.
Colonel Collingwood's regiment in the Leeward Islands	13	41	68	54	466	629
Four companies at New-York.....	4	13	32	16	384	445
One company at the Barbadoes.....	1	3	10	3	97	113
One company at the Leeward Islands....	1	3	8	4	56	71
	19	60	118	77	1,003	1,258

Ordered, that the said list be referred to the committee of the whole House, to whom the consideration of his Majesty's speech is referred.² (*Ibid.*, pp. 356-357.)

Dec. 20, HC. Sir Edward Seymour presented to the House a bill to encourage the woollen manufacture of England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland: and the same was received; and read the first time:

But, the same being brought in with some penalties therein, the same was, by leave of the House, withdrawn.

Ordered, that it be an instruction to the committee, who are to consider which way to prevent the exporting of wool from England and Ireland into foreign parts, that they do examine and inquire into the nature of the

¹ 10 and 11 Gul. III. c. 3 (*Statutes*, VII. 454). This act did not extend to exportation to Africa or to "islands or colonies in America that have usually been supplied with corn, or meale, or starch . . . for the sustenation of the inhabitants . . . or for the benefit of the English fishery in those parts", provided the exporter gave security in treble the value that such goods would not be unlawfully landed.

² In accordance with resolutions reported the following day, a bill was carried for granting sufficient funds for disbanding the army, providing for the navy, etc. 10 and 11 Gul. III. c. 9 (*ibid.*, p. 469).

licences for exporting wool from Ireland, and of the bonds given in relation thereunto; and how they have been prosecuted; and consider how they may be more effectually prosecuted.³ (*C. J.*, XII. 360.)

Dec. 20, HC. Mr. Lownds, according to order, presented to the House a bill to prohibit the exportation of corn, meal, and bread, for one year: and the same was received; and read the first time.

Resolved, that the bill be read a second time. (*Ibid.*)

Dec. 21, HC. A bill to prohibit the exportation of corn, meal, and bread, for one year, was read a second time.

Resolved, that the bill be committed, upon the debate of the House, to a committee of the whole House.

Resolved, that this House will, to-morrow morning, resolve itself into a committee of the whole House, to consider of the said bill. (*Ibid.*, p. 361.)

Dec. 21, HC. Sir Robert Rich, according to order, presented to the House, from the Lords Commissioners of the Admiralty, a list of the ships the Royal Navy is composed of; and in what condition they are in, as to repair.

Which list and account are as follow; *viz.*

Rate.	Ships names.	No. of men.	No. of guns.	How the ships are employed.
4	<i>Weymouth</i>	197	42	} Gone up the Straits with the trade from Newfoundland.
	<i>Winchester</i>	197	42	
5	<i>Sorlings</i>	115	28	
4	<i>Falmouth</i>	197	42	} West-India Squadron.
	<i>Gloucester</i>	278	60	
	<i>Dunkirk</i>	20	26	
5	<i>Lynn</i>	115	28	} Attend the plantations.
6	<i>Germoon Prize</i>	50	10	
5	<i>Speedwell</i>	115	26	
	<i>Saudadoes Prize</i>	150	36	
6	<i>Essex Prize</i>	60	14	
	<i>Maidstone</i>	95	22	
	<i>Quinbrough</i>	95	22	

³ Since 1697 clothiers of the west of England had been protesting to Parliament the decay of their trade due to the increase of the woollen manufacture in Ireland (see, *e. g.*, *ante*, p. 212). But Parliament failed to take action; instead, an address was made to the king asking him to suppress this latter trade in favor of the linen manufacture in which England offered no competition (note 2, *ante*, p. 212). In 1698, upon representations of the Commissioners of Trade and Plantations, two efforts were made to pass through the Irish Parliament a bill for laying additional duties on all woollens exported, finally resulting in 10 Gul. III. c. 5 (Ireland). In addition, in response to a second petition to the English Parliament from Taunton, Dec. 17, a committee was appointed to consider of ways "for the better preventing the exportation of wool from England and Ireland into foreign parts, and to consider of the most proper methods to encourage the woollen manufactures of this kingdom" (*C. J.*, XII. 358). The bill here withdrawn was amended and presented the next day. This act prohibited the exportation from Ireland of all goods made or mixed with wool, except to England. Section 19 forbade, after Dec. 1, 1699, the transportation of colonial-made woollens from one place to another. (10 and 11 Gul. III. c. 10; *Statutes*, VII. 524.) See Alice E. Murray, *Hist. of the Commercial and Financial Relations between England and Ireland from the Period of the Restoration*, pp. 53-60. "The net result of this legislation was to lower the price of woollens to the colonists while forbidding them to engage in that manufacture themselves" (Channing, *Hist. U. S.*, II. 240).

Ordered, that the said list, and account, presented to the House, do lie upon the table, to be perused by the members of the House. (*Ibid.*, pp. 361, 364.)

Dec. 21, HC. Sir Edward Seymour, according to order, presented to the House a bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland:

And the same was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 364.)

1698/9.

Jan. 2, HC. The House, according to the order of the day,⁴ resolved itself into a committee of the whole House, to consider of the bill to prohibit the exportation of corn, meal, and bread, for one year. . . .

Mr. Heveningham reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Friday morning next, resolve itself into a committee of the whole House, to consider further of the said bill. (*Ibid.*, pp. 368-369.)⁵

Jan. 7, HC. A bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland; was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Friday morning next, resolve itself into a committee of the whole House, to consider of the said bill.

Ordered, that the Commissioners of Trade do lay before this House such observations as they have made, and such papers as they have, relat-

⁴ C. J., XII 367, 368.

⁵ This day also, Sir Robert Rich, from the Admiralty, presented to the Commons: 1. A list of the ships in pay, 1697, arrears due them, amount since paid to them, and their location; 2. An account of what ships had been fitted out since the peace, and their stations; 3. An account when the East and West India squadrons were ordered to sail; 4. An account of the victualling of these squadrons. In the first list the following appear: *Colchester*, *Newcastle*, *Norwich*, *Reserve*, *Germoon Prize*, *Jersey*, called the *Margatt*, *Sun Prize*, *Bonadventure*, and *Princess Anne*, all in the West Indies; *Bonadventure*, *Sheerness*, and *Biddeford*, in Barbados; the *Chatham*, in Jamaica; *Deptford*, *Arundell*, and *Orford*, called the *Newport*, in New England; *Dover Prize* and *Essex Prize*, in Virginia; *Fowey* and *Richmond*, in New York. In the second account: *Eagle Adventure* to carry his Majesty's packet to the governor of the Leeward Islands, *Winchester* and *Sorlings* for the Newfoundland convoy, *Paramour* on discoveries to the East and West Indies, and the *Dunkirk* to carry troops to the West Indies. The third account shows that the West India squadron was ordered to sail Nov. 15, 1698, and sailed Nov. 29. The fourth account gives a list of the West India ships victualled at London and Portsmouth, the number of men on each, the days covered, and the amount of biscuit, beer, beef, pork, peas, oatmeal, butter, and cheese provided; and shows that on Dec. 31, 1695, agents were appointed for New England, and that on Mar. 2, 1697/8, an additional allowance of 10 s. a day was made to Captain Norris while in command of the Newfoundland squadron. *Ibid.*, pp. 369-385.

ing to the encouragement of the woollen manufactures of this kingdom, and of the linen manufacture of Ireland.⁶ (*C. J.*, XII. 389.)

Jan. 9, HC. Then the House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the said bill.⁷

Mr. Heveningham reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 390.)

Jan. 10, HC. Sir Robert Rich, according to order,⁸ presented to the House an account of the times when the East and West India, and Straits, squadron, were ordered to be fitted out:

The said account.

Squadron.	Rate.	Ships.	Date of order.
West-India.	4.	<i>Gloucester</i>	28. Mar. —98.
		<i>Falmouth</i>	
		<i>Dunkirk</i>	15. Sept. —98.
	5.	<i>Lynn</i>	10. Mar. —97/8.
	6.	<i>Germoon Prize</i>	23. July —98.

(*Ibid.*, p. 391.)

Jan. 12, HC. Mr. Heveningham, according to order, reported from the committee of the whole House, to whom the bill to prohibit the exportation of corn, meal, and bread, for one year, was committed, the amendments, made by the committee, to the said bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House: and other amendments were made by the House to the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 396.)⁹

Jan. 14, HC. An ingrossed bill to prohibit the exportation of corn, meal, and bread, for one year, was read the third time.

Resolved, *nemine contradicente*, that the bill do pass: and that the title be, An act to prohibit the exportation of corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the 20th day of January 1698.

⁶ Presented Jan. 18, *post*.

⁷ To prohibit the exportation of corn, meal, and bread for one year. The report ordered for the next day was postponed to Jan. 12. *C. J.*, XII. 392.

⁸ Jan. 5; *ibid.*, p. 387.

⁹ In the copy of the instructions to the commissioners for victualling, presented to the House this day, the ninth article directs that "for any ship designed for Guinea, or the East or West-Indies, three-fourths of their proportion of beer is to be put in iron-bound cask, hooped with iron hoops of good substance, and well-wrought iron. . . ." *Ibid.*, p. 398.

Ordered, that Mr. Heveningham do carry the bill to the Lords, and desire their concurrence thereunto.¹⁰ (*Ibid.*, p. 407.)

Jan. 16, HL. *Hodie ia vice lecta est billa*, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January one thousand six hundred ninety-eight. (*L. J.*, XVI. 361.)

Jan. 17, HL. *Hodie 2a vice lecta est billa*, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January one thousand six hundred ninety-eight.

Ordered, that the said bill be committed to a committee of the whole House, to-morrow, at eleven of the clock. (*Ibid.*, p. 362.)

Jan. 18, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January one thousand six hundred ninety-eight.

And, after some time, the House was resumed.

And the Earl of Stamford reported, that the committee had made some progress in the bill; and are of opinion, that the Commissioners of the Customs attend to-morrow

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Customs do attend this House to-morrow, at eleven of the clock in the forenoon. (*Ibid.*)

Jan. 18, HC. Mr. Blathwaite, according to order, presented to the House, from the Commissioners of Trade and Plantations, a representation from the said commissioners: and also

A copy of a representation upon the general state of the trade of this kingdom

And the titles of them were read.

And the said copies are as follow; viz.

The Representation [of the Commissioners] for Trade and Plantations to the Honourable House of Commons.

In obedience to an order of this honourable House, dated the 7th of this month,¹¹ requiring from us such observations as we have made, and such papers as we have, relating to the encouragement of the woollen manufacture of this kingdom, and of the linen manufacture of Ireland; we humbly offer

In December 1697, having applied ourselves to the consideration of the general state of the trade of this kingdom, we laid before his Majesty a representation thereof: wherein there being divers particulars relating to the woollen manufacture, we have annexed a copy thereof:¹² and,

¹⁰ *L. J.*, XVI. 361.

¹¹ *Ante*, p. 263.

¹² *Cf. ante*, pp. 212, 261-262. This "Representation" of Dec. 23, 1697, is printed in full, *C. J.*, XII. 432-435. Concerning the plantations it was stated: "From your Majesty's Plantations in America, great Quantities of Sugar, Tobacco, and other Goods, are usually imported, exceeding much in Value the Goods exported thither: But, the better Half of such Goods being sent from hence to Markets abroad, after having paid considerable Duties here, although the more Southern Colonies are much more beneficial to England

having distinguished those particulars by lines in the margin, we refer ourselves thereunto. . . .

We do also observe, that notwithstanding it was the intent, in settling our plantations in America, that the people there should be only employed in such things as are not the product of England, to which they belong, except for so much as should be wanting for their own sustenance, and supply of provisions to their neighbours; yet New-England, and other northern colonies, have applied themselves too much, besides other things, to the improvement of woollen manufactures amongst themselves; which, in its proportion, is as prejudicial to this kingdom, as the working of those manufactures in Ireland: wherefore it is submitted, that, upon occasion, the like prohibitions be made with relation to those northern colonies, as to Ireland.

Upon the whole matter, we cannot but observe, that the woollen manufacture of this kingdom will receive the greatest encouragement by a due consumption of it at home, the largest vent of it abroad, and the hindering, as much as is possible, the growth and increase of it elsewhere: and that therefore, amongst other things, the exportation not only of wool

than the Northern, yet, being all contribute to the taking off great Quantities of our Woollen Goods, other Products and Handicraft Wares, and to maintain and increase our Navigation; and the Inhabitants being your Majesty's Subjects, we humbly conceive, the Trade to and from those Colonies deserves the greatest Encouragement, and will be very advantageous, as long as the Acts of Navigation and Trade be duly observed.

"And, whereas the Planting and Curing of Tobacco, Sugar, Cotton, Indigo, and Ginger, the chief Commodities of those Plantations, to make them most advantageous to this Nation, and beneficial to the Planters, is best carried on by the Labour of Negroes, we humbly conceive it convenient, that all Encouragement should be given, that the said Colonies be supplied plentifully with Negroes, and at the cheapest Rates."

Concerning the fisheries: "During the said Course of Years [1670-1697], our Fishing Trades to Newfoundland, Greenland, and the Northern Seas . . . have decreased; occasioned, as we presume, by the Increase of other Trades, which have been found more beneficial to the Traders, and easy to the Seamen; which has drawn off our People from those Trades, and given Opportunities to Foreigners, more used to hard Labour and Diet, to get a great Share of them."

It was also thought that "if the Agents lately sent, by your Majesty's Directions, to New-England, in order to have Pitch, Tar, and Copper, from thence, have the Success designed", much of the inconvenience suffered by the trade to Sweden and the Baltic would be remedied; and that the importation of East India goods into England and the American plantations should be discouraged. Encouragement to the Greenland Company and the Royal Fishery of England was proposed; and for the Newfoundland fishery, "after the Care your Majesty has already taken, in the Recovery of that Country, and fortifying St. John's, the principal Harbour there, for the Security thereof, we can at present add nothing further, than that there be a due Execution of the Western Charter, and that your Majesty would be pleased to allow, from time to time, proper Convoys for the Security of those Ships from Sally Men, and other Sea-Rovers, that are used to molest that Trade". It was pointed out that the duties on coarse sugars and materials for dyeing were obstructions to trade which should be removed; and, finally, that the Darien Company, the increase of pirates in the East and West Indies, and disregard of the navigation acts, further threatened trade.

The commissioners at the same time also presented to the Commons representations: for hindering the exportation of wool; relating to the trade between England and Ireland, especially the linen and woollen manufactures; amending the bill for encouraging the linen and hemp manufactures in Ireland; two in reply to memorials from the Turkey Company relating to the interference of the East India Company; relating to two bills transmitted from Ireland, the one laying a duty upon woollens exported, the other encouraging the manufacture of hemp and flax; a copy of an extract from the Council books referring to this latter act; and a representation relating to the par between English and Irish woollen manufactures. Printed, *ibid.*, pp. 427-440.

from Ireland, but also of their woollen manufactures, and of the wool, and woollen manufactures, of the respective English plantations in America, to other parts than England, ought to be prohibited, or discouraged, by the most coercive and proper means; which, although they may not at first be so effectual as might be wished, yet, upon further experience, and additional remedies, the means designed may become more perfect: in order whereunto, it seems withal expedient, that the people of this kingdom, skilled or employed in the woollen manufacture, be prohibited from going over into Ireland, or other parts; and that such as have been already enticed thither be encouraged to return home.

Which is humbly submitted to this honourable House.

F. BRIDGWATER,	WM. BLATHWAYT,
TANKERVILLE,	JOHN POLLEXFEN,
PH. MEADOWES,	ABR. HILL. . . .

Whitehall, January the 13th, 1698/9.

Ordered, that the consideration of the said representation, and other accounts, be referred to the committee of the whole House, to whom the bill to encourage the woollen manufactures in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland; is committed. (*C. J.*, XII. 425-426, 427, 440.)

Jan. 19, HC. A petition of Sir John Duddleston, of the city of Bristol, baronet, in behalf of himself, and the rest of the owners of the ships *Margaret* and *Friendship*, was presented to the House, and read; setting forth, that the said ships have been free for above 20 years, and almost wholly rebuilt by the owners, who are, and always were, his Majesty's natural-born subjects; but the said ships are now, by a late act of Parliament, prohibited to trade to the plantations, to the great loss of the petitioners: and praying, that leave may be given to bring in a bill, that those ships may have liberty to trade to and from the plantations, as they used to do before the said act for prohibiting to trade to the plantations.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Mr. Yates do prepare, and bring in, the bill.¹³ (*Ibid.*, p. 441.)

June 19, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January one thousand six hundred ninety-eight.

After some time, the House was resumed.

And the Earl of Stamford reported, that the committee had gone through the said bill, with several amendments.

Ordered, that the said report be made upon Monday morning next. (*L. J.*, XVI. 363.)

Jan. 20, HC. The House, according to the order of the day,¹⁴ resolved itself into a committee of the whole House, to consider of the bill to encourage the woollen manufacture in England; and to restrain the export-

¹³ 10 and 11 Gul. III., private acts, c. 13 of the original acts (*Statutes*, VII. xix).

¹⁴ Postponed Jan. 13, 18. *C. J.*, XII. 406, 440.

tation of woollen manufactures into any foreign parts; and for the better preventing the exportation of wool from England and Ireland. . . .

Sir Joseph Tredenham reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider further of the said bill.¹⁵ (*C. J.*, XII. 445.)

Jan. 23, HL. The Earl of Stamford reported from the committee of the whole House, the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January one thousand six hundred ninety-eight, as fit to pass, with several amendments.¹⁶ (*L. J.*, XVI. 364.)

Jan. 25, HL. *Hodie 3a vice lecta est billa*, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January, one thousand six hundred ninety-eight.

The question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir Richard Holford:

To carry down the said bill, and desire their concurrence to their Lordships amendments.¹⁷ (*Ibid.*, p. 366.)

Jan. 25, HC. Ordered, that the Earl of Ranelagh, or proper officer, do lay before this House an account of the arrears due to the four companies at New-York.¹⁸ (*C. J.*, XII. 449.)

Jan. 26, HC. The House proceeded to take into consideration the amendments, made by the Lords, to the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscake, or starch, for one year, from the 20th day of January 1698. . . .¹⁹

Resolved, that a conference be desired with the Lords, upon the subject-matter of the said amendments, disagreed unto by this House.

Ordered, that a committee be appointed to draw up reasons, to be offered to the Lords at the said conference:

And it is referred to Sir Chr. Musgrove, Sir Robert Davers, Mr. Heveningham, Mr. Bridges, Mr. Yates, Sir Jos. Tredenham, Sir Walter Young, Sir Robert Cotton, Mr. Boscawen, Mr. Verney, Mr. Brotherton, Sir Edward Seymour, Mr. Culliford, Sir Wm. St. Quintin, Sir Edward Hussey, Mr. Gwynn, Dr. Davenant, Sir Henry Pickering, Mr. Clayton; or any three of them: and they are to meet this afternoon at five a clock, in the Speaker's Chambers. (*Ibid.*, pp. 450-451.)

¹⁵ Postponed to Jan. 26. *C. J.*, XIII. 447.

¹⁶ The clause relating to Africa was recommitted and the amendments concerning the same were reported the following day. *L. J.*, XVI. 364, 365.

¹⁷ *C. J.*, XII. 450.

¹⁸ Presented Feb. 28, *post*.

¹⁹ Most of the amendments related to Africa and to the substitution of "biscuit" for "biscake". Those concerning the plantations are stated in the entry of Jan. 27.

Jan. 26, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland.

Sir Joseph Tredenham reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, upon Tuesday morning next, resolve itself into a committee of the whole House, to consider further of the said bill; and nothing to intervene. (*Ibid.*, p. 451.)

Jan. 27, HC. Mr. Heveningham reported from the committee appointed to draw up reasons, to be offered to the Lords, at a conference, for disagreeing to some of the amendments, made by their Lordships, to the bill to prohibit the exportation of corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the 20th day of January 1698, that they had drawn up reasons accordingly; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were twice read; and agreed unto by the House; and are as follow; *viz.*

The Commons disagree to the amendment, skin 4. l. 5. Because the prohibiting corn, malt, meal, flour, bread, biscuit, or starch, to be carried out of England, to the sugar islands, or colonies, may put the inhabitants there upon planting provisions themselves, instead of sugar-canec, cotton, ginger, and indico; which will be greatly prejudicial to England, in respect of its navigation and riches:

Nor do the northern plantations supply the sugar islands with half the biscuit, meal, flour, and peas, they use; and with no starch at all:

And because it may be of dangerous consequence to accustom his Majesty's southern islands in America, to draw such provisions from New-England, Pensilvania, and other parts upon the continent, with which they were heretofore supplied from England; and, should there be a prohibition, as aforesaid, it would raise the provisions of the northern plantations to so high a rate, that the poorer sort of the people of the southern islands, or colonies, would be unable to subsist, and consequently get off the island as fast as they can; nor will the rich be able to maintain their numerous servants and slaves, necessary to carry on their works.

The Commons disagree to the amendment, skin 4. l. 10. for the reasons aforesaid.

The Commons disagree to the amendment, skin 4. l. 11. Because, if the words "English fishery" are left out, there will be no provision made to carry corn for the supply of our settlements in Newfoundland; who have no corn of their own growth, and have always been supplied from England.

The Commons disagree to the amendment, skin 4. l. 12. for the reasons given for their disagreeing to the first amendment:

And to the amendment, skin 4. l. 14. and 23. for the same reasons.

The Commons disagree to the amendment, skin 5. l. 30. because that they conceive, that their own proviso will more effectually prevent any disputes that may arise between the king's officers and the people, in relation to cockets and returns, than the clause added as an amendment.

Ordered, that Mr. Heveningham do go to the Lords, and desire the said conference.²⁰ (*C. J.*, XII. 462-463.)

Jan. 28, HC. The managers went to the conference with the Lords, upon the subject-matter of the amendments, made by the Lords to the bill to prohibit the exportation of corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the 20th day of January 1698:

And being returned;

Mr. Heveningham reported, that they had given the Lords the reasons for disagreeing with their Lordships to some of the said amendments; and left the bill, and amendments, with their Lordships. (*Ibid.*, p. 465.)

Jan. 28, HL. The Commons being come to the conference, the House was adjourned during pleasure, and the Lords went to the conference.

Which being ended, the House was resumed.

And the Earl of Stamford reported, that the managers had attended the conference; and that the Commons have agreed to some of the Lords amendments to the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January, one thousand six hundred ninety-eight; and disagreed to others.

And then his Lordship acquainted the House with the Commons reasons for their disagreement.

Ordered, that the managers of the conference do meet on Tuesday next, to prepare what shall be offered at a conference with the House of Commons, for the Lords insisting on their amendments. (*L. J.*, XVI. 368.)

Jan. 31,²¹ HL. The Earl of Rochester reported from the Lords committees appointed to draw what shall be offered, at a conference with the House of Commons, for their Lordships insisting on their amendments made to the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January, one thousand six hundred ninety-eight.

Then the reasons drawn by the committee were read, and agreed to, as follow; (*videlicet*,)

The Lords do not insist on their amendments in the 11th and 12 l. of the 4th skin.

The Lords insist on their amendments in the 5th, 10th, 14th, and 23d l. of the 4th skin.

And ground their reasons for so doing chiefly on a matter of fact; which if they are misinformed in, they shall be ready to agree with the Commons: and the matter of fact is this, that there hath no provision of corn, malt, or meal, of late years been carried out of England, for any of the plantations in America; some small quantity of the finest flour for

²⁰ *L. J.*, XVI. 367-368. The conference was arranged for Jan. 28.

²¹ The items in the *Journals* of this date are wrongly printed Jan. 13.

the principal persons residing there hath been sometimes transported from hence; but not for the use of the inhabitants in general.

And that all those plantations have for some time past, and now do, and will furnish themselves hereafter, with all these commodities, from New England or Pensilvania, because they are to be had always cheaper from those parts than from hence; so that, if this fact be true, the allowing leave for corn to be carried from hence will not obviate the inconveniences mentioned in the reasons given by the Commons; (*videlicet*,) that it would be of dangerous consequence to accustom the southern islands in America to draw such provisions from New England, Pensilvania, and other parts on the continent; for those in the plantations, unless they are strictly prohibited to fetch them from New England, which this act does not intend, will in all probability have them from those places where they can be supplied the cheapest. So then, if this matter of fact be true, which their Lordships have taken the best means they could to be informed of, they cannot but think it may be of great use, in such a year as it is apprehended this may prove, for great scarcity of corn, to leave as few doors open as is possible for the transportation of any, and especially not to allow of a licence to carry any to the plantations; which seems to them, if the matter of fact here alledged be true, to be a means for the carrying it to other places, on the pretence that it is designed for the plantations.

As to the other amendment in question, in the 30th line of the 5th skin:

The Lords agree, that the proviso sent up in the bill from the House of Commons is more proper to prevent disputes betwixt the people and the custom-house officers, than the clause prepared by their Lordships, if that were the only thing to be taken care of: but the Lords do not observe, that the proviso in the bill takes any care to hinder the people, under pretext of carrying corn to the market in boats, to carry it directly on ship-board for exportation; and they conceive their own clause is much more proper to prevent any ill practice of that sort. Upon the whole matter, the House of Lords being of opinion, that the bill to which these amendments relate is very seasonable and necessary; their Lordships are desirous to make it as strong and effectual for the ends designed by it as is possible; and for these reasons, the Lords think fit to insist upon these amendments.

A message was sent to the House of Commons, by Sir Miles Cooke and Sir John Hoskyns:

To desire a present conference, upon the subject-matter of the last conference, relating to the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the twentieth day of January, one thousand six hundred ninety-eight. (*Ibid.*, p. 370.)

Jan. 31, HL. The messengers sent to the House of Commons return answer:

That the Commons will give a conference, as desired.

Then the Commons being come to the conference, the House was adjourned during pleasure, and the Lords went to the conference.

Which being ended, the House was resumed.

And the Earl of Rochester reported, that they had delivered the reasons to the Commons, as commanded. (*L. J.*, XVI. 370.)

Jan. 31, HC. A message from the Lords, by Sir Miles Cook and Sir Robert Legard:

Mr. Speaker,²²

The Lords desire a present conference with this House, in the Painted Chamber, upon the subject-matter of the last conference.

And then the messengers withdrew.

Resolved, that this House doth agree to a conference with the Lords, as their Lordships do desire.

And the messengers were called in again; and Mr. Speaker acquainted them therewith.

Ordered, that the members that managed the last conference, do manage this conference.

And the managers went to the conference.

And, being returned;

Mr. Heveningham reported the conference: and that the Earl of Rochester managed the same, on the part of the Lords; and acquainted them, that the Lords do not insist upon some of their amendments; but that they do insist upon others of them²³

The said amendments being severally read;

Resolved, that this House doth insist on their disagreement with the Lords in the said amendments.

Resolved, that a free conference be desired with the Lords, upon the subject-matter of the last conference.

Ordered, that Mr. Lowndes, Mr. Godolphin, Sir Robert Davers, Mr. Mountague, Sir Tho. Cook, Mr. Moor, Mr. Hysham, Mr. Clark, be added to the managers. (*C. J.*, XII. 466-467.)

Jan. 31, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland.

Sir Joseph Tredenham reported from the said committee, that they had made a further progress in the matter to them referred; and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, to-morrow resolve itself into a committee of the whole House, to consider further of the said bill.²⁴ (*Ibid.*, p. 467.)

Feb. 1, HC. Mr. Yates, according to order,²⁵ presented to the House a bill for the ships *Margaret* and *Friendship* to trade as free ships: and the same was received.

Ordered, that the bill be read to-morrow morning. (*Ibid.*)

²² Sir Thomas Littleton had been elected at the beginning of this session.

²³ Here follow the reasons reported in the Lords; see preceding entry.

²⁴ Postponed to Feb. 8; *C. J.*, XII. 469, 484.

²⁵ See *ante*, p. 267.

Feb. 1, HL. A message was brought from the House of Commons, by Mr. Heveningham and others:

To desire a free conference, upon the subject-matter of the last conference.²⁶

To which the House agreed.

Then the Commons were called in; and told, that the Lords agree to a free conference, as desired; and appoint it presently, in the Painted Chamber. . . .

The Commons being come to the free conference; the House was adjourned during pleasure, and the Lords went to the free conference.

Which being ended, the House was resumed.

And the Earl of Rochester reported the effect of what was offered thereupon.

And, after some debate, the House agreed, not to insist on their amendments to which the Commons disagreed.

A message was sent to the House of Commons, by Sir Miles Cooke and Mr. Meredith:

To acquaint them, that the Lords do not insist upon their amendments disagreed to by the Commons in the bill, intituled, An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the tenth day of February, one thousand six hundred ninety-eight.²⁷ (*L. J.*, XVI. 371.)

Feb. 2, HC. A petition of John Bailey, and others, on behalf of themselves, and the rest of the ship's company, belonging to his Majesty's ship *Monck*, was presented to the House, and read; setting forth, that, during the expedition to Newfoundland, in 1697. the said ship, commanded by Captain Robert Stapleton, took several prizes, to the value of 50,000 *l.* whereof the petitioners have not had their shares, allotted by act of Parliament: and praying, that justice may be done them therein.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Captain Crow is referred:²⁸ and that they do examine the matter thereof; and report the same, with their opinion therein, to the House. (*C. J.*, XII. 469.)

Feb. 2, HC. A bill for the ships *Margaret* and *Friendship* to trade as free ships was, according to order, read the first time.

Resolved, that the bill be read a second time. (*Ibid.*)²⁹

Feb. 3, HC. Ordered, that leave be given to bring in a bill, that judgments and decrees, hereafter to be obtained in his Majesty's courts of law

²⁶ *Ibid.*, p. 468.

²⁷ *Ibid.* The royal assent was given this same day (*ibid.*; *L. J.*, XVI. 372). Jan. 27, 1699/1700, a bill was presented for the continuance of this act, but it failed.

²⁸ *C. J.*, XII. 464. No report being made by this committee, the petition was referred to the Lords, Apr. 25 and 27. *Post*, pp. 306, 307; *MSS. H. of L.*, 1697-1699, p. 422.

²⁹ On this day Sir Robert Rich presented from the Admiralty certain accounts and papers touching the navy, which contain items referring directly and indirectly to America, *e. g.*: By order of June 6, 1694, Samuel Jones, £452, 13 *s.* 4 *d.* for victualling and bringing home the crew of the *Mordant* from the West Indies; Aug. 14, 1695, Capt. Thomas Taylor, £350 for fitting the *Nonsuch* in New England; June 8, 1697, owners of the *Lion*, £4000 for service in defending the Leeward Islands; and an allowance is noted of 10 *s.* extra a day to Captain Norris while he was commander-in-chief of the Newfoundland squadron. *C. J.*, XII. 471, 472, 477.

and equity in England, may be executed in the English plantations and colonies in America: and that Mr. Offley and Mr. Carteret do prepare, and bring in, the bill.⁸⁰ (*C. J.*, XII. 480.)

Feb. 6, HC. A bill for the ships *Margaret* and *Friendship*, to trade as free ships, was read a second time.

Resolved, that the bill be committed to Mr. Yates, Sir Robert Davers, Mr. Conyers, Sir Wm. Drake, Mr. Hoblyn, Mr. Morris, Mr. Barnardiston, Mr. Cook, Mr. Blofeild, Mr. York, Mr. Clark, Mr. England, Mr. Mountsteven, Mr. Dyot, Mr. Smith, Dr. Davenant, Mr. Chetwynd, Mr. Scobell, Mr. Cox, Mr. Duke, Mr. Lowther, Sir Wa. Young, Mr. Hunt; and all that serve for the county of Somerset: and they are to meet this afternoon at five a clock, in the Speaker's Chambers. (*Ibid.*, p. 483.)

Feb. 6, HL. *Hodie ia vice lecta est billa*, intituled, An act for the vesting and settling the estate of Anne Bridges, an infant, in Bermudas, alias the Sommer Islands, in America, in and upon trustees, to be sold; and laying out the money arising by such sale here in England, for the use of the said Anne Bridges.⁸¹ (*L. J.*, XVI. 375.)

Feb. 7, HC. Mr. Yates reported from the committee, to whom the bill for the ships *Margaret* and *Friendship* to trade as free ships was committed, that they had made an amendment to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read a second time; and, upon the question put thereupon, agreed unto by the House.

Ordered, that the bill, with the said amendment, be ingrossed. (*C. J.*, XII. 486.)

Feb. 8, HC. An ingrossed bill for the ships *Margaret* and *Friendship* to trade as free ships was read the third time.

Resolved, that the bill do pass: and that the title be, An act for the ships *Margaret* and *Friendship*, of Bristol, to trade as free ships.

Ordered, that Mr. Yate[s] do carry the bill to the Lords, and desire their concurrence thereunto.⁸² (*Ibid.*, p. 493.)

Feb. 8, HC. The House, according to the order of the day, resolved itself into a committee of the whole House, to consider further of the bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland. . . .

Sir Joseph Tredenham reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made upon Monday morning next.⁸³ (*Ibid.*)

⁸⁰ This bill was rejected after the first reading (*post*, pp. 276, 277, 286).

⁸¹ 10 and 11 Gul. III., private acts, c. 71 (*Statutes*, VII. xxi, 524; *MSS. H. of L.*, 1697-1699, p. 289).

⁸² *L. J.*, XVI. 377.

⁸³ Postponed to Feb. 22. *C. J.*, XII. 502, 516.

Feb. 13, HL. *Hodie 1a vice lecta est billa*, intituled, An act for the ships *Margaret* and *Friendship*, of Bristoll, to trade as free ships. (*L. J.*, XVI. 381.)

Feb. 14, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the ships *Margaret* and *Friendship*, of Bristoll, to trade as free ships.

Ordered, that the consideration of the said bill be referred to the committee abovenamed.³⁴ (*Ibid.*, p. 383.)

Feb. 20, HL. The Lord Audley reported from the Lords committees the bill, intituled, An act for the ships *Margaret* and *Friendship*, of Bristol, to trade as free ships, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for the ships *Margaret* and *Friendship*, of Bristol, to trade as free ships.

The question was put, whether this bill shall pass?

It was resolved in the affirmative. . . .

Ordered, that the Commons have notice, the Lords have agreed to the abovesaid bills, without any amendment.³⁵ (*Ibid.*, p. 386.)

Feb. 20, HC. Ordered, that leave be given to bring in a bill for encouraging the trade to Newfoundland: and that Sir Edward Seymour, Mr. Gwyn, and Mr. Scobell, do prepare, and bring in, the bill.³⁶ (*C. J.*, XII. 519.)

Feb. 21, HC. A petition of William Holman and Thomas Scott, of London, merchants, on behalf of themselves, and the rest of the owners of the ships *John* and *William* and *Industry*, was presented to the House,

³⁴ A committee appointed on a naturalization bill. *L. J.*, XVI. 383.

³⁵ *C. J.*, XII. 519. The royal assent was given Mar. 24. *Ibid.*, p. 612; *L. J.*, XVI. 416.

³⁶ 10 and 11 Gul. III. c. 14 (c. 25 in some collections); *Statutes*, VII. 515; also, Prowse, *Hist. of Newfoundland*, p. 232. This act permitted subjects trading to Newfoundland to take bait and to go on shore on any part of the country for curing fish, making oil, cutting trees, etc., but denied these privileges to aliens; after Mar. 1, 1700, ballast was not allowed to be thrown into the harbors; persons leaving Newfoundland were not to damage stages or cook-rooms. According to the ancient custom, the master of the ship first entering a harbor should be admiral, the second vice-admiral, the third rear-admiral; the master of every ship could use only such beach as was necessary, and if possessed of other places, was obliged to make his choice within 48 hours, the admiral to settle differences and proportion places to the several ships according to the number of boats. Persons who, since 1685, seized and kept stages, cook-rooms, etc., were ordered to surrender them for the use of fishing vessels, though this did not apply to owners of houses and stages. Masters of by-boats had to carry two fresh men in six, masters of fishing ships one fresh man in every five, and oaths were to be taken and certificates given to this effect. Similarly, every master or owner of ships going to Newfoundland should have in every five, one man who had never been to sea before. It was forbidden to deface masts of boats, to rind trees, set fire to the woods, cut timber except for repairing and necessary building, and to cast anchor or otherwise hinder the hauling of seines, or to steal nets. And since several persons guilty of theft, murder, and other felonies had escaped punishment because of the necessity of trying such criminals before the Lord High Constable and Earl Marshal of England, it was now provided that capital crimes committed in Newfoundland might be tried in any county in England. Admirals were required to execute the provisions of this act, to keep a journal and send a copy thereof to the Privy Council, and to settle disputes between fishing ships and the inhabitants, with right of appeal by either party to the commanders of convoys. Sunday was to be strictly observed, and the sale of wine, beer, ale, tobacco, etc., on that day was forbidden. Finally, all oil, fins, and blubber imported by the Greenland Company were exempted from the duties of 12 *d.* charged by 8 and 9 Gul. III. c. 24, and 9 and 10 Gul. III. c. 23. A singular feature of this act is that it is "entirely declaratory and directory; there is not a single penal clause in it from beginning to end, nor is any compulsory jurisdiction given to any authority acting under it". Prowse, *op. cit.*, p. 225.

and read; setting forth, that the said ships have been free about six or seven years; in which time, they have been almost rebuilt from the ground to the keel, at the petitioners charge, who are all English; but, by a late act of Parliament, the said ships are prohibited to trade to the plantations, as formerly: and praying, that leave may be given to bring in a bill, to make them free to trade, as the House has done to others, under the like circumstances.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Sir Wm. Ashurst do prepare, and bring in, the bill.⁸⁷ (*C. J.*, XII. 520.)

Feb. 21, HC. Ordered, that the Earl of Ranelagh, or Mr. Abbott, do forthwith lay before this House an account of the arrears due to the four companies of New-York, in America.⁸⁸ (*Ibid.*)

Feb. 22, HC. Sir Joseph Tredenham, according to order, reported, from the committee of the whole House, to whom the bill to encourage the woollen manufacture in England; and to restrain the exportation of woollen manufactures from Ireland into any foreign parts; and for the better preventing the exportation of wool from England and Ireland; was committed; the amendments, made by the committee, to the said bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, pp. 522-523.)

Feb. 23, HC. Mr. Offley, according to order, presented to the House a bill, that judgments and decrees, hereafter to be obtained in his Majesty's courts of law and equity in England, may be executed in the English plantations and colonies in America: and the same was received.

Ordered, that the bill be read upon Saturday morning next. (*Ibid.*, p. 524.)

Feb. 23, HL. Upon reading the petition of Charles Desborow;⁸⁹ complaining of his being unjustly dismissed from his command at sea:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said petition shall be, and is hereby, referred to the Lords committees appointed to consider of the estimate of the work and repairs necessary to be done at the several forts and batteries upon the river Medway and other forts, on Monday next, at ten of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; whose Lordships are to send for and hear such persons concerning the same as they shall think fit; and report to the House. (*L. J.*, XVI. 388.)

⁸⁷ This bill was read but did not pass at this session.

⁸⁸ A repetition of the order of Jan. 25 (*ante*, p. 268). The account was presented Feb. 28.

⁸⁹ For the petition see next item. The committee to which it was referred was appointed Feb. 16 (*L. J.*, XVI. 385). In this connection see *ante*, p. 233, note 47.

Feb. 23, HL. Petition of Charles Desborow. Petitioner was commander of his Majesty's ship the *Mary* galley in the expedition to Newfoundland in 1697, together with 10 men of war, 2 fireships and 2 bomb ketches. On 21 July ⁴⁰ Mons. Ponti appeared off the port of St. John's, which gave the fairest opportunity imaginable to those that were then employed on that expedition to have taken him, had they then believed the intelligence given them from time to time by petitioner and others: but instead of giving encouragement to petitioner for his readiness to do service to the nation, and to cover their own fault, petitioner was unjustly charged with breach of orders and neglect of duty, and dismissed from his command, which he is ready with witnesses to prove. Prays for enquiry, that justice may be done to his Majesty, kingdom of England, and himself. (*MSS. H. of L.*, 1697-1699, pp. 312-313.)

Feb. 25, HC. Ordered, that the bill, that judgments and decrees, hereafter to be obtained in his Majesty's courts of law and equity in England, may be executed in the English plantations and colonies in America, be read upon Wednesday next, after twelve a clock.⁴¹ (*C. J.*, XII. 528.)

Feb. 27, HL. *Hodie de vice lecta est billa*, intituled, An act for the vesting and settling the estate of Ann Bridges, an infant, in Bermudas, alias the Sommer Islands, in America, in and upon trustees, to be sold; and laying out the money arising by such sale here in England, for the use of the said Anne Bridges.

Ordered, that the consideration of the said bill be committed to the Lords committees abovenamed. (*L. J.*, XVI. 390-391.)

Feb. 28, HC. A petition of Captain Edmund Bugden was presented to the House, and read; setting forth, that the petitioner was lieutenant of the *Colchester*, and captain of the *Jersey*; and, as such, was concerned in the taking several prizes about the Leeward Islands; which Christopher Codrington esquire wrested from the petitioner, in wrong to him, and the king; which the petitioner is ready to prove; and, on the 5th of October 1697. the Lords of the Admiralty sent, by Captain Symonds, an order for the petitioner, and Captain Wm. Julius, to return, with his Majesty's ships under their command, to Europe, in 60 days after, unless the general should think fit to detain them longer, for sending his packet; which he did, for 15 days; and that time being also expired, the said general, and Captain Julius, refusing to give the petitioner any order for his longer stay, he returned to England; and gave in his deposition of the said frauds to the Commissioners of Trade; after which, the petitioner was tried by a court-martial, for returning home without order; where Captain Julius producing another order than what Captain Symonds brought, which was shewn the petitioner; and falsly deposing, that it was the same; the court-martial thereupon sentenced the petitioner's pay, amounting to about 260 *l.* to be forfeited to Greenwich Hospital, and he to be incapable of his

⁴⁰ July was substituted for June.

⁴¹ Postponed to Mar. 7. *C. J.*, XII. 536, 546-547.

Majesty's service, and to be imprisoned for 12 months: and praying, that the said matters may be referred to the examination of a committee; whereby the said frauds may be made appear, and the petitioner justified.

Ordered, that the said petition do lie upon the table.⁴² (*C. J.*, XII. 531.)

Feb. 28, HC. Sir Robert Davers reported from the committee, to whom the petition of the freeholders, tradesmen, and other inhabitants, of the town of Taunton, and parts adjacent, was referred;⁴³ and who were to consider of ways for the better preventing the exportation of wool from England and Ireland into foreign parts; and to consider of the most proper methods to encourage the woollen manufactures of this kingdom; that they had directed him to lay before the House several heads, which they had thought necessary to be made into a law, for the purpose aforesaid; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as followeth; *viz.*

3. That all persons offending contrary to any act, in being aiding or assisting in the exportation of wool, and not being able to answer the penalty thereby inflicted, shall be transported to the foreign English plantations, and there remain for years.

9thly. That care be taken to prevent the setting up of the woollen manufacture in the English plantations in America.

The 1st, 2d, 3d, 4th, 5th, and 6th, heads, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House to be proper heads for a bill.

The ninth head being read a second time, was, upon the question put thereupon, agreed unto by the House to be a proper head for a bill.

Ordered, that a bill be brought in, upon the said heads agreed unto by the House: and that Sir Robert Davers, Mr. Hoar, and Mr. Hayes, do prepare, and bring in, the bill. (*Ibid.*, p. 532.)

Feb. 28, HC. The Earl of Ranelagh, according to order,⁴⁴ presented to the House

A state of the arrears due to the four companies at New-York, under the command of the Earl of Bellamont.

And the titles thereof were read.

⁴² May 1, Bugdon offered his petition to the House of Lords, but prorogation interrupted consideration by the committee to whom it was referred (*post*, p. 308). Apr. 18, 1700, the matter was referred by the Privy Council to the Admiralty, which made report on May 2, but nothing was determined. *Acts P. C. Col.*, II. 352-353.

⁴³ This petition was presented Dec. 17, and referred to a committee appointed to consider ways for preventing the exportation of wool from England and Ireland into foreign parts, and also methods for encouraging the woollen manufacture of the kingdom (*C. J.*, XII. 358). Dec. 20, this committee was instructed to inquire into the nature of the licenses and bonds given in connection with the exportation of wool from Ireland (*ibid.*, p. 360). Other petitions were presented, Jan. 5, 17, Feb. 15, 20, from Tetbury, Cirencester, Leeds, Halifax, Wakefield, Reading, Southampton, and Coventry, and likewise referred to this same committee (*ibid.*, pp. 387, 423, 512, 516, 518). In accordance with the resolutions now reported a bill was brought in but failed to pass (*post*, pp. 288, 292). The purpose of the last resolution, relating to the manufacture of wool in America, had been accomplished by section 19 of 10 and 11 Gul. III. c. 10, passed earlier in the session (see note 3, *ante*, p. 262).

⁴⁴ Jan. 25 and Feb. 21; *ante*, pp. 268, 276.

And the said abstracts, estimate, and state, are as follow; *viz.*

The said State of Arrears due to the Four Regiments at New-York.

	Arrears of subsistence.			Arrears of pay.		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
To clear the two old companies, from the first of April 1693. to the first of April 1694.....	....	..	..	149	10	3
To clear the said two companies, and two more established the 1st April 1694. at 100 men each, from the said 1st April 1694. to the last of March 1695..	....	..	..	952	8	4
To clear the said four companies from the 1st April 1695. to the last of March 1696. inclusive.....	....	..	..	1,341	10	7
To clear them, from the 1st of April 1696. to last of March 1697. inclusive.....	1,159	8	3	1,241	1	4
To clear them, from the 1st April 1697. to the last of September following	2,353	10	2	1,056	7	10
To clear them, from the 1st October 1697. to the last of December following, inclusive.....	1,131	3	8	531	1	8
To clear them, from the 1st January 97. to the last of December 1698.....	4,194	3	2	2,107	0	2
	8,838	5	3	7,370	0	2
				8,838	5	3
				16,217	5	5

Ordered, that the consideration of the said state, be referred to the committee of the whole House, who are to consider further of the supply to be granted to his Majesty. (*Ibid.*, pp. 533, 534.)

Mar. 1, HL.⁴⁵ Capt. Desborow's petition and order of reference read.

Charles Desborow, being called in, is asked in what manner he intends to proceed to make out the allegations in his petition. He says he has witnesses to prove them.

Memorandum: That Mr. Desborow answer whether the men that were taken near St. John's did not come out of France with Mons. Nesmond, or did not belong to his squadron. He gives an account of his voyage under Mr. Norris in search of Mons. Ponti.

Question: Whether you know Mr. Norris had a power of dismissing any commander in his fleet without consulting a council of war, or whether he only said he had such a power?

He withdraws.

Question: Why he rather now complains of Mr. Norris in his absence, than when he was in England? He is called in again and told that he shall be sworn, as also such witnesses as he has here. He desires that George Shuttleworth, at Mr. Speed's, in Small Street, Bristol, may be sent for, as also Robert Long, master of the *Portland*, in Cork Alley, Wapping, Mr. Robinson, master of the *Crown*, near Scarborough Castle in Wapping, Mr. Hoskins, aboard the *Bedford*, East Indiaman, Capt. Hudson, commander.

Ordered accordingly, and that they be sworn in the meantime. He desires also that such captains as served in that expedition do also then

⁴⁵ In committee to whom was referred Desborough's petition, Feb. 23.

attend, particularly Capt. Stapleton, Capt. Roffey, Capt. Wade, Capt. Dove, Capt. Trevanion and Capt. Day, Col. Gibson, Major Henderside [Henderson] and Capt. Petitt. Ordered accordingly.

Mr. Desborow desires that the orders the king gave the Commissioners of the Admiralty concerning the expedition to Newfoundland in 1697, and the orders the said commissioners gave Mr. Norris on that expedition, and all the councils of war from 21 June to 12 August, 1697, held by Norris in Newfoundland, and the result of the court-martial by which petitioner was broke, may be laid before the committee, and that such captains as served in that expedition may also then attend the committee.

Ordered accordingly, and that Capt. Stapleton, Capt. Milles, Capt. Roffey, Capt. Wade, Capt. Dove, Capt. Trevanion, and Capt. Day, who served on the expedition, attend. (*MSS. H. of L.*, 1697-1699, p. 313.)

Mar. 3, HC. Sir William Ashurst, according to order, presented to the House a bill for the ships *John and William*, and *Industry*, to trade as free ships: and the same was received.

Ordered, that the bill be read to-morrow morning.⁴⁶ (*C. J.*, XII. 542.)

Mar. 4, HC. A petition of the serjeants, corporals, drummers, and private centinels, of the regiment under the command of the late Colonel John Foulks, and general of the forces of the expedition to the West-Indies, in the year 1692. was presented to the House, and read; setting forth, that there is a considerable sum of money due to the petitioners; who were never discounted with; but are reduced to a starving condition: and praying, that Colonel Lillingston, who succeeded Colonel Fulks, together with Agent Paine, and John Thruston esquire, agent, may be ordered to balance the petitioners accounts, and pay them what is justly their due.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of the soldiers of Colonel Coot's regiment is referred.⁴⁷ (*Ibid.*, p. 547.)

Mar. 4, HC. The Earl of Ranelagh, according to order, laid before the House

An abstract of the arrears due to the several regiments in the West-Indies.

The titles whereof were read.

And the said abstracts are as follow; *vis.*

In the West Indies.						
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Colonel Collingwood's Foot, to the 1st January 98...	11,781	4	10	11,781	4	10
Company at Barbadoes, to the same time, including their arrears of subsistence.....	2,305	2	8	2,305	2	8
Company at the Leeward Islands, to the same time, including their arrears of subsistence.....	4,219	0	2	4,219	0	2
	18,305	7	8	18,305	7	8

⁴⁶ See entry of Feb. 21 *ante*. The bill had its first and only reading, Mar. 16.

⁴⁷ *C. J.*, XII. 482. No report was made on this petition, but by 10 and 11 Gul. III. c. 17 (11 in the common printed editions of the statutes), colonels and captains were made to account with lower officers and the soldiers for their pay. *Statutes*, VII. 529.

Ordered, that the consideration of the said abstracts be referred to the committee of the whole House, who are to consider further of the supply to be granted to his Majesty. (*Ibid.*, pp. 549-551.)

Mar. 6, HC. An ingrossed bill to prevent the exportation of wool from England and Ireland into foreign parts; and to encourage the woollen manufacture in England; and restrain the exportation of woollen manufactures; was read the third time.

Resolved, that the bill do pass: and that the title be, An act to prevent the exportation of wool out of the kingdoms of England and Ireland into foreign parts; and for the encouragement of the woollen manufactures in the kingdom of England.

Ordered, that Sir Joseph Tredenham do carry the bill to the Lords, and desire their concurrence thereunto.⁴⁸ (*Ibid.*, p. 551.)

Mar. 6, HL. Select committee.⁴⁹ E. Rochester in the chair.

The Gentleman Usher acquaints the committee that Col. Gibson and Major Henderson attend, and that a messenger sent to Bristol for George Shuttleworth is returned with a certificate that Shuttleworth is gone for Ireland, in order to go further on the seas.⁵⁰

Mr. John Fauller delivers in the several papers from the Commissioners of the Admiralty,⁵¹ which they were directed on 1 March to send in. Being asked whether the original councils of war are with the Commissioners of the Admiralty, he says he believes not. He is directed to bring the originals, if they be before the commissioners, as also to fetch the books out of which the other papers are transcribed. Capt. Desborow, as also the sea captains and Col. Gibson and the land officers are called in.

Mr. Charles Desborow, (sworn) gives account of Commodore Norris' expedition in search of Monsieur Ponti. He says in two cruises they took three prizes, consisting of 700 tons, and at St. John's they fell a plundering them. On the 21st July five French ships appeared off of St. John's, and we heard by prisoners taken that the French had sent under Monsieur Nesmond 15 ships to attack St. John's, which were to rendezvous at Placentia, and afterwards 5000 men were to come over by land to attack St. John's, and we believed this, and Col. Gibson came on board with his men again. On the 23rd four Englishmen that had been taken prisoners by Ponti made their escape, and informed me that the five ships before-mentioned belonged to Ponti, that most of his men were sick, and that their provisions were short. These four men informed Commodore Norris the same thing, and also that they came from the West Indies, but he would not believe them. During this time Ponti goes into Conception Bay, and sends a boat with Cumberbatch and others to Carbonear, a place under the English government, to traffic with them, promising that, if they would supply him with provisions, he would pay them, otherwise would destroy them. Cumberbatch gave us notice hereof by letter, and told us

⁴⁸ L. J., XVI. 396.

⁴⁹ On the petition of Desborough.

⁵⁰ MSS. H. of L., 1697-1699, p. 318.

⁵¹ Copy of the draft of instructions sent to the Admiralty by the king's command, relating to the Newfoundland squadron, and memorandum of what the former proposed and was approved of, by the King in Council; also, copies of the councils of war, June 21-Aug. 12, held by Captain Norris. Printed, *ibid.*, pp. 318-330.

that, if we would serve our country this was the time. Edwards and Shuttleworth, that brought the letter, affirmed the same, but we would not believe them; and Shuttleworth offered us to go aboard Ponti as a spy, and to give us notice; but Norris refused him, whereupon the deponent was sent out on the 26th to discover them, and Capt. Littleton was sent out the same day or the next day to Carbonear, where he pursued a French boat sent from Ponti. The Frenchmen were forced on shore and surrendered themselves to the merchantmen that kept guard on the island of Carbonear, and they brought 25 of them to Capt. Norris, to whom they owned it was Ponti's fleet, and not Nesmond's, but he would not believe them, but threatened to whip them. While this was doing, the deponent came in and assured them there were five French men of war, and no other ships near them, neither to the northward nor to the offing, that could be supposed to be part of that squadron; but neither the prisoners, Shuttleworth, the deponent, nor the four Englishmen that had been prisoners, could be believed, and we resolved not to go out to fight them. Then, a council of war being called, and Col. Gibson being present thereat, did out of his turn say that, though I shall set my hand to the going out, yet I do declare that whoever goes out to fight Ponti is no friend to King William. That at the time Ponti lay before the port we were employed in sharing the prizes, and Capt. Norris' ship had more prize goods in it than he ought to have had, and when we should have gone out to have fought Ponti we barricaded ourselves in. He says he never knew Norris forward to go out to fight, nor did he see Norris sign the council of war with his Yea for it at the time when the deponent and others did so. When the deponent went from the council (which was not till it was up) Norris had not signed with his Yea. This was 26 July 1697. The *Portland*,⁵² Capt. Littleton's boat, was used as a vessel to catch fish. He says after this he was sent to look [for] Ponti, and gave an account at his return that Ponti was gone, and that Nesmond was come with 15 men of war, whereupon Norris called a council of war and broke the deponent, because he had, as they said, neglected his duty.⁵³

William Essex (sworn) says he rowed in the boat when four Englishmen were taken that told us they had been taken by the French, and had made escape again on shore. Those Frenchmen were five men of war under Ponti, come from Cartagena, who, they said, were weakly manned, and wanted wood and water. He said he was with Capt. Desborow when he carried the said four men on board Capt. Norris, but he knows not whether they had been aboard the French men of war. There were but two Frenchmen aboard the prize, and they said they were so weak they could not spare more; and being asked whether the Englishmen were at

⁵² The notes of this evidence in the committee book contain here the following passage, which is struck through: "The boatswain was confined because he would not deliver the King's stores to the prize left to fish with. Being asked, he knows not whether the stores were left behind by direction of a Council of War. He says he remembers not, but thinks it was by Norris' order." *MSS. H. of L.*, p. 334 note.

⁵³ The committee book adds here: "Col. Gibson says Desborow's Petition is mistaken in 21 June for 21 July, which Mr. Desborow presently mends in his Petition, with their Lordships' leave. Capt. Stapleton being asked, admits the prizes to be 600 or 700 tons." *Ibid.*

liberty in the prize, he says they had nobody to confine them. [Being asked whether he was examined to this point at the House of Commons heretofore, he said he was.]⁵⁴

Charles Hashfield (sworn) says he was in the boat when these four Englishmen came to us, and they declared they came from Ponti, and that they came from Cartagena, and that the five ships were Ponti's squadron, and that two Frenchmen were put aboard the prize with them, and they made their escape to the shore with the boat. They told us Ponti had but little water and wood aboard, but he knows not whether those four English were aboard the French ships.

The sea captains present own that such letter came from Cumberbatch as is above declared by Mr. Desborow.

Alexander Cumberbatch (sworn) says he met with Mr. Edwards and the cox[swain] of the *Eagle* galley in Carbonear, and being asked what account he gave Edwards and Shuttleworth of the weakness of Ponti, more than was in the letter he sent by them to Norris, he says the substance of the account was how weakly they were manned, and how richly they were loaden, and that if he had six sloops off Jamaica he would not have doubted but to have taken them. He says he was a prisoner with Ponti, and being asked whether he did not say to the people of Newfoundland that he was at liberty, and that Ponti had given him his ship again, he says he never said so. Ponti sent a guard with him to the shore, and his going thither was to get him provisions and liberty to water, and Ponti took his word for his returning. Being asked what moved him to return again to Ponti, he says one Dilotta, an Englishman, was in the boat with him, and they coming near two fishing boats he told Dilotta he would go aboard them, and going on board one of them he went with it to the shore, where he met with the said Edwards, to whom he told that the five ships were French from Cartagena, and that they had taken his ship from him; whereupon Edwards said there were ten English men of war at St. John's in Newfoundland. The deponent doubted the truth of it, but Edwards swearing it the deponent believed it; and he further said there were 10 or 12 sail of English merchantmen in the port, whereupon deponent desired him that he might give an account of this to them, for fear the men in the fishing-boat should discover to Dilotta the English men of war that were at St. John's. He says he designed to send a letter to Capt. Norris, rather than go himself, for fear the fisher boat should discover to Dilotta that there were so many men of war at St. John's; so then the deponent resolved to make himself a prisoner again, that it might not be suspected there were any English men of war there. Being asked what rewards he had from the Admiralty when he came out of France, he says the Commissioners of the Admiralty gave him 500 *l.* and a medal and chain of 150 *l.* value, and he knows not that it was for any other service than the intelligence he had so given to Commodore Norris, and he says his mate had 50 *l.* reward and a medal of 30 *l.* of them.⁵⁵ Being asked

⁵⁴ The portion in brackets is struck through. *Ibid.*, p. 335.

⁵⁵ Noted in margin: "The Admiralty Order of 3 December to be read here." *Ibid.*, p. 336.

whether he had any account of the English squadron at Newfoundland before he came on shore, he says: We had a jealousy of six men of war being there by Mr. Hunt coming from Barbados to Newfoundland, but he was not sure of it till Mr. Edwards confirmed it to him at Carbonear. If he had been sure, he would have proposed going into St. John's and not to Conception Bay. Being asked whether Ponti's squadron was not first off Placentia, he says they were, and they went not in there because the weather was foggy, and they had lost the land, so the first land they fell into after was off of St. John's. Being asked whether, while they were off Placentia, there was any possibility of going in, he says they designed to go in, but the weather proved foggy, and they were off and on two or three times, but it still proved foggy, and they could not deal with that shore. He says he was on board the *Hawk*, an English merchantman in Carbonear, to desire the commander thereof to send for the rest of the commanders of the merchantmen there, in order to give an account to the commodore at St. John's of Ponti's being there with five ships, but he had none of their assistance, except Mr. Shuttleworth's and Mr. Edwards'; so he sent his letter away by them, and returned aboard for the better carrying on his design.

Thomas Farmer (sworn) says he was chief mate of the *Hawk*, and that the men belonging thereto, with others, were upon Carbonear Island, and seeing a French boat near, they firing at her, she rowed in, and Robert Browning, the chief of the men on the island, ordered one of their officers to come out of the boat, where were about 23 men, and then he went into the boat, and the Frenchman rowed him aboard the *Hawk*. The same night, not thinking ourselves safe, we run out and got into St. John's with those Frenchmen aboard. He says Capt. Littleton, commander of the *Portland*, came aboard the *Hawk* immediately after the Frenchmen were taken, and went round with us to St. John's, where his ship lay. He says he took them to be Frenchmen, but did not understand what they said. Being asked what became of their boats and arms, he says Capt. Littleton's lieutenant came for them as soon as we came into St. John's.

The sea captains present being asked whether on the 28th July Capt. Desborow came not into them, while they were at council of war?

Col. Gibson says he did so, and he then asking Capt. Littleton what account the said Desborow had given them, he said he was ashamed of him; he had not been within 5 or 6 miles or leagues of the French.

Capt. Desborow, in answer thereto, says that Capt. Littleton was in St. John's port when he, Desborow, was upon his duty in discovering Ponti.

Thomas Farmer (sworn) being asked what day Capt. Littleton came into St. John's, he says it was, he thinks, on the 27th July, about 10 in the morning.

Col. Gibson says he believes it was so.

Alexander Cumberbatch (sworn) says that on the 28th July (as he believes it was) he saw a frigate-built ship of 36 guns, which he took for English.

The sea captains, being asked why no other ship was sent out, if Desborow could not be believed, they say his ship was out and clean, and

none other was so, nor could get out. Being asked whether they do allow Capt. Desborow gave them an account that there were five French men of war,

Capt. Stapleton said he believes he did so; he said they had a flag, but he could not tell them what sort of flag it was. . . .

Mr. John Fauller being returned, says the original councils of war are with Capt. Norris. He is directed to bring the book which was delivered in to the Admiralty by Capt. Norris, out of which he wrote the copy of the councils of war which he has laid before the committee, and that Mr. Burchett, the secretary, attend therewith.

Ordered that James Petre, chaplain in the *Monmouth*, William Whitehead, boatswain of the *Monk*, William Blake, purser of the same, Lieut. Hubbard, Lieut. Hardy, Lieut. Symonds, Capt. Smith, Capt. Watkins, Capt. Hargrave, Capt. Fookes, Capt. Brexton, and Capt. Boyd⁵⁶ attend the committee to-morrow. (*MSS. H. of L.*, 1697-1699, pp. 313-314, 333-337.)

Mar. 7, HL. Select committee.⁵⁷ E. Rochester in the chair.

Mr. Desborow and the officers are called in. Mr. Burchett, secretary of the Admiralty, delivers in the book (delivered in to the Admiralty Office by Capt. Norris), out of which the copy of the councils of war in Newfoundland were transcribed and given in yesterday to the committee by Mr. Fauller. . . .

Capt. Charles Desborow, being asked whether he ever made application to the Admiralty, or complained there of his ill-usage from Commodore Norris, says he waited on the Earl of Orford, but he did not see him, and he spoke to Sir Robert Rich, and he answered that, if Norris had done him any wrong, he would answer it. He says he never petitioned the Admiralty at the office, but he wrote to my Lord Orford and complained of his hard usage from Commodore Norris. Being asked why he did not apply to the Admiralty, he says: Because I could not, though I endeavoured, have an opportunity of waiting on my Lord Orford, because I afterwards gave his Lordship an account by letter of my hard usage, and my Lord Robert Russell told me he delivered the letter to his Lordship; because Sir Robert Rich answered me as above; because divers have given long attendances there; because of the partiality of the Admiralty to several persons; because several have been tried by court martials and had been acquitted, being the sentence of the court martial that they had done their duty, yet their pay had been stopped by the Admiralty, and the men not knowing for what, whereupon some of them petitioned the House of Commons the last year, and others that have been tried by a court-martial; and it was the sentence of the court to render these men for ever incapable of serving the king at sea, and fined their wages for their disservice, and that for cowardice, yet it has been the pleasure of the Admiralty Board not only to pay them the wages mulcted from them, but in a short time have restored them to better ships than they ever commanded before; and he refers to the proof of the payment of their wages to the books in the Navy Office. He instanced Wayman and Piccard. He says

⁵⁶ In margin: "Sea Captains witnesses."

⁵⁷ Continuing the consideration of Desborough's petition.

he thinks he read part of the said letter to the Lord Robert Russell, but is not positive.⁵⁸

Henry Gibbs says he was aboard the *Unity* under Capt. Clarke, and when Pontî's ships arrived in Conception Bay our ships in St. John's were under a great consternation, and our commander, Capt. Clarke, said: "I wish all our goods were out of our ship, and I would assist in fighting the Frenchmen"; whereupon I said they had better leave some of their sick men and take men out of our merchant-men; to which Capt. Stapleton replied, "You are a fool, and you know not what you say". He says he has been on board the *Guernsey* and *Lion*, and he bought out of the *Guernsey* an hogshead of wine, and all the country went aboard the *Monk* and the *Guernsey* and bought. He says our commander bought some wine. He knows nothing of the stages, but he has seen the *Portland* boat sometimes fishing, and he knows there were three booms put over the harbour mouth, and they would have had our chains, and he saw them clear their forecastles of their cask at the time when Nesmond came. He says he never saw any preparation made to fight Pontî, as he could remember, save that there was a council called. He says he was also on board the *Monk*, and he saw prize goods there, and he remembers not whether the topsails were loose at the time Pontî was there.

William Essex (sworn) says that while Pontî was there the sails in the *Mary* galley were bent and unbent, and so were the sails of all our men of war, and we transported the *Mary* galley from the south side to the north side, after she came off of the careen, and brought into a line of battle. This, he says, was while Mr. Desborow was captain of her. We came off of the careen on Tuesday afternoon, and were ready to sail the Saturday following.⁵⁹ (*MSS. H. of L.*, 1697-1699, pp. 314, 337-340.)

Mar. 7, H.C. A bill, that judgments and decrees hereafter to be obtained in his Majesty's courts of law and equity in England, may be executed in the English plantations and colonies in America, was read a first time.

⁵⁸ The committee book of the House of Lords here reads as follows: "Mr. Desborow offers a copy of a letter, which he sent by the Lord Robert Russell to the E. Orford, which is read [printed, *MSS. H. of L.*, pp. 330-332]. He says he thinks he read part of the letter to the Lord Robert Russell, but is not positive. Col. Gibson and the other officers desiring copies of the notes taken and of the said letter, it was ordered accordingly. They withdraw. After some time, they are called in and the officers are told that the lieutenant of the *Monk*, whom they desired to have sworn, is not allowed to be so. George Trout (sworn) (Lieut. Hardy being proposed by the officers to be a witness), says that the said lieutenant had six soldiers' shares of the prize taken, and that he saw the soldiers carry them off for him, as they said." (*Ibid.*, p. 339 n.). Lord Robert Russell, son of the Duke of Bedford, was Orford's cousin.

⁵⁹ The committee book here adds as follows: "Col. Gibson desires leave to cross-examine the witnesses already examined, which was ordered accordingly. Capt. Desborow desiring the lines of battle may be produced that Norris gave to the men-of-war, while Pontî lay before the port, the sea captains undertook to do the same. Ordered that John Crofts and Capt. Stephens attend on Thursday next for Mr. Desborow, and be sworn in the interim. Ordered that the state of the fleet, with the papers relating thereto, delivered in this day from the Admiralty, be considered on Thursday next. Ordered that Lieut. Symonds, Lieut. Hardy, Capt. Masterton, Capt. Martin, Capt. Richards and Gabriel attend on Wednesday next, and in the meantime attend to be sworn. Ordered that Richard Herd, Lieut. Crouch, John Brown, Allen Knight, and Mathias Waller attend on Wednesday next, and in the meantime attend at the bar to be sworn." *Ibid.*, p. 340 n.

And a motion being made, and the question being put, that the bill be read a second time;

It passed in the negative.

Resolved, that the bill be rejected. (*C. J.*, XII. 553.)⁶⁰

Mar. 10, HL. *Hodie 1a vice lecta est billa*, intituled, An act to prevent the exportation of wool out of the kingdom of Ireland and England into any foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

Ordered, that the said bill be read the second time on Tuesday next, at eleven of the clock. (*L. J.*, XVI. 398.)

Mar. 14, HL. *Hodie 2a vice lecta est billa*, intituled, An act to prevent the exportation of wool out of the kingdom of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

Ordered, that the consideration of the said bill be committed to the Lords following; *videlicet*,

Ds. Cancellarius,⁶¹ *Dux* Leeds, *M.* Halifax, *M.* Normanby, *Comes* Bridgewater, *Comes* Leicester, *Comes* Manchester, *Comes* Peterborow, *Comes* Stamford, *Comes* Winchilsea, *Comes* Thanet, *Comes* Bathe, *Comes* Burlington, *Comes* Maclesfeld, *Comes* Radnor, *Comes* Berkeley, *Comes* Nottingham, *Comes* Rochester, *Comes* Scarbrough, *Comes* Warrington, *Comes* Bradford, *Comes* Romney, *Comes* Tankerville, *Comes* Orford, Viscount Hereford, Viscount Townshend, Viscount Longueville, *Arch.* Cant., *Epus.* Londin., *Epus.* Menev., *Epus.* Bangor, *Epus.* Cestr., *Epus.* Norwic., *Epus.* Petrib., *Epus.* Gloucestr., *Epus.* Cicestr., *Ds.* Bergevenny, *Ds.* Audley, *Ds.* Ferrers, *Ds.* Eure, *Ds.* Wharton, *Ds.* North and Grey, *Ds.* Hunsdon, *Ds.* Howard Esc., *Ds.* Raby, *Ds.* Culpeper, *Ds.* Lucas, *Ds.* Rockingham, *Ds.* Berkeley, *Ds.* Granville, *Ds.* Cornwallis, *Ds.* Ossulstone, *Ds.* Dartmouth, *Ds.* Guilford, *Ds.* Godolphin, *Ds.* Jeffreys, *Ds.* Cholmondeley, *Ds.* Weston, *Ds.* Herbert.

Their Lordships, or any five of them; to meet on Monday next, at ten of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Council of Trade do lay before the Lords committees appointed to consider of the abovesaid bill, an account of what proportion the charge of the woollen manufacture in Ireland bears to the charge of the woollen manufacture in England; and to state what hath been done in respect to the woollen manufacture, by an act passed in Ireland since the last session of Parliament here; on Monday next, at ten of the clock in the forenoon. (*Ibid.*, p. 404.)

⁶⁰ Mar. 9, the committee to consider the Desborough matter met again and heard the testimony of Capt. Joseph Stephens, John Crofts, and Henry Gibbs (*ibid.*, pp. 314, 340-341).

The same day in the Commons an estimate was presented of the charge of the office of his Majesty's ordnance, for land-service for 1699, which contained an item for charge of engineers, storekeepers, and gunners, at Jamaica, New York, and Newfoundland, £994, 12 s. 6 d. *C. J.*, XII. 556.

⁶¹ Sir John Somers, now made Lord Somers.

Mar. 15, HC. Sir Robert Davers, according to order, presented to the House a bill for the more effectual preventing the exportation of wool from England: and the same was received.

Ordered, that the bill be read upon Saturday morning next.⁶² (C. J., XII. 588.)

Mar. 15, HL. Select committee.⁶³

The persons attending are called in. Col. Gibson and Capt. Stapleton desiring they may cross-examine Mr. Desborow's witnesses, they begin with William Essex.

William Essex being asked where they took the four men mentioned in his former deposition, says: We took them in at St. John's, at the north side of the harbour. They told us they were taken by the French, and they escaped with the boat, and he is sure they were four, and that they took them into the boat together, but he knows not whether they came altogether to St. John's.

Mr. Charles Desborow says he brought the said four men aboard the *Monk*, he thinks on the 23rd July.

Joseph Stephens (sworn) says he was aboard the *Monk*, and seeing 3 or 4 strangers there, and enquiring of the officers who they were, they told him they had been taken by *Ponti* off the harbour's mouth on the 22nd or 23rd July, and that the French had put two or three men aboard of them, and a fog happening had separated them from the French fleet, and they came away in their own ship's boat; and the two or three Frenchmen that were aboard their ship, did not hinder them. They could not speak French themselves, nor could the French speak English, but as far as they could understand by their meanings, they were very poorly manned and wanted provisions; but he knows not what the signs were. Being asked whether they had not the use of their arms, he says he knows not.

Alexander Cumberbatch (sworn). Asked what he knows in relation to the two men put on board the prize after taken, he says that by the two Englishmen that were aboard *Ponti* he was informed there were two Frenchmen put on board, and that they left four English, and that the mate of the merchantman was sick at that time, and he was one of the four English prisoners. The fog came on, and he knows not what became of the prize. Being asked when he was taken by *Ponti*, he says he is not provided for that question, but he thinks it was on the 14th June; it was after Admiral Nevill came down upon *Ponti*. Being asked what number of guns *Ponti* had on board mounted, he says he had between 60 and 80, and that some of the guns were struck down after he was aboard, and one or two petraroes [patareros] were mounted. Being asked, whether he can speak French, he says, no, neither does he know where the rendezvous was to be, after they parted with Nevill. Being asked what number of men were aboard *Ponti*, he says he believes there were about 280, sick and well. Being asked whether he had liberty to go in the ship where he pleased, he says, no. Being asked whether they came by accident to Newfoundland, he says it was designed to come thither. Being asked to what

⁶² See *ante*, p. 278, n. 43.

⁶³ Adjourned from Mar. 9 (see above).

port it was designed, he answered: to Placentia, as far as he could understand by the two English gentlemen Dilotta and Revee, that were aboard. Being asked when they first made Newfoundland, he says he can give an account of it, but he has it not about him. Being asked, who was their pilot, he says, a Frenchman, whose name he knows not, and he says he, the deponent, was never before in Newfoundland. Being asked, how many days they were between making Placentia the first time and their coming to St. John's, he says he cannot be positive; he knows not. Being asked what prizes Ponti took between making Placentia and coming into Conception Bay, he says he took two prizes. Hunt was commander of one of them, but he knows not the other, but as far as he understood, she was a pink belonging to Topsham. He put between 10 and 13 men on board, but he knows not what became of her, she was burthen between 80 and 100. She was taken by Ponti's own ship. And he says he is now positive the master's name was Passmore, by what he could understand by writings he saw, and the writings were a letter. He says he never saw Passmore aboard Ponti. He saw the writings in the hands of the two Englishmen, and that one of them had them aboard of the pink, to the best of his knowledge. Being asked whether the two gentlemen were taken aboard the pink, or how they came to be absent from Ponti aboard her, he says, to the best of his knowledge, one of them was sent as a linguister or interpreter. Being asked whether he saw any other merchant ships between Placentia and Conception Bay, he says, to the best of his knowledge he saw none. Being asked whether Ponti called a council of war after taking Passmore, he says he remembers none, but there was a consultation. Being asked whence Passmore came with his ship, he says he was informed he came from St. John's. Being asked whether they had any account of St. John's by any taken in the pink, he says there was no man aboard the pink when she was taken, as the Englishmen told him, neither had they any account of St. John's by any other ship, as he understood. Being asked whether he knows whither Passmore and his men went after their quitting the pink, or whether he ever heard they were in Newfoundland, he says, no. Being asked how far Ponti's ship was from the shore when the pink was taken, he says it might be 3 or 4 leagues from the shore, and he saw two boats at her stern after she was taken, and they seemed to him as if they belonged to the ship. This, he thinks, was on the 20th or 21st July, and the two boats were at the stern of the ship when Ponti's boat took her. Being asked how many of the 280 men in Ponti's ship were sick, he said, to the best of his knowledge 80 of them were not fit for service. Being asked whether Ponti came out of choice or out of necessity to Newfoundland, he says he came out of necessity. Being asked whether, in case of separation in the West Indies, Ponti's orders were not to rendezvous at St. Peter's Isles or Placentia, he says he knows nothing of the rendezvous at either place, but after being through the Gulf, they sent away a frigate to Petty Guavas^{62a} to know what was become of the remainder of the fleet.

^{62a} Petit Goave, Haiti.

Capt. Charles Desborow (sworn) being asked the same question, says he knows nothing of the rendezvous, but he has heard some of the 25 prisoners say somewhat of it on the 28th July. Being asked whether he was on board *Capt. Norris* on the 22nd July at the consultation, he says he was. Being asked on what subject they were that day, and what reason *Col. Gibson* gave for his regiment coming on board, he says, to the best of his remembrance the substance of the matter, when *Ponti's* five ships appeared before the harbour, was that some prisoners we had taken gave us an account that *Monsieur Nesmond* was coming from France to *Placentia* with a squadron of men of war; and that there were 5000 Indians and French that were to attack *St. John's*. Being asked whether at that consultation he was not for the landmen coming on board, he says he never taxed *Col. Gibson* or his men with cowardice, but he opposed their coming on board, and he says that though he be of a different opinion to the majority at a consultation, yet he must sign with them.⁶⁴ . . .

Capt. Stapleton proposing to proceed as to the embezzlements, and *Capt. Desborow* desiring to have other witnesses sworn, they withdraw.

It being proposed that *Capt. Dove's* witnesses, being poor men, may be excused further attendance, it was ordered accordingly.

Ordered that *Capt. Tho. Cleasby* be sworn to-morrow and attend at the next meeting. The matter of the embezzlements to be examined at the next meeting. They are called in again and told that they may bring further witnesses as to pestering the ships and the embezzlement.

Ordered that *Francis Milborn*, *Thomas Dumwright*, *John Child*, *Thomas Gardner*, *Francis Walker*, *John Howell* and *Joseph Phelps* attend to-morrow to be sworn, in order to be examined on the 17th. (*MSS. H. of L.*, 1697-1699, pp. 314, 341-345.)

Mar. 16, HC. A bill for the ships *John and William*, and *Industry*, to trade as free ships, was read the first time.

Resolved, that the bill be read a second time. (*C. J.*, XII. 590.)

Mar. 16, HL. The Earl of Stamford reported from the Lords committees, the bill, intituled, An act for vesting and settling the estate of *Anne Bridges*, an infant, in *Bermudas*, alias the *Summer Islands*, in *America*, in and upon trustees, to be sold; and laying out the monies arising by such sale here in *England*, for the use of the said *Anne Bridges*, as fit to pass, with one amendment.

Which, being read twice, was agreed to; and the bill ordered to be engrossed. (*L. J.*, XVI. 406-407.)

Mar. 17, HL. Select committee.⁶⁵ . . .

Capt. Thomas Cleasby (sworn),⁶⁶ says that upon his return from his cruise from the nor'ward, he met with *Capt. Desborow* in *St. John's* harbour, where the said *Desborow* told him that the question having been put and carried at a consultation that they should not fight *Ponti*, *Commodore Norris* was so much concerned, that he saw the tears run down his

⁶⁴ Here is a cancelled entry: "The Sea Captains are asked whether they or any of them or *Capt. Desborow* were against *Col. Gibson's* regiment coming on board." A number of witnesses were then heard concerning the *Monk* and other stages.

⁶⁵ Adjourned from *Mar. 15* (see above).

⁶⁶ Noted in margin: "Examinations on the side of the Sea Captains."

cheeks for vexation. Being asked whether he knew the *Monk's* stage, he says he never knew any such stage. Being asked what intelligence he had of Nesmond's squadron, when he was sent to the bottom of Trinity Bay, he says, I sent two men from thence to view Placentia harbour, and they brought me account there were only merchant ships there, but in my return I took an English man and woman who had lived with the French the fishing season, who told me that about 15 or 18 French men of war had wooded and watered not far from thence, and were sailed about 18 or 20 days before; and I think it was about the 5th or 6th of August that I had this intelligence. Being asked what intelligence he sent by letter to the fleet at St. John's, he says he gave intelligence that two sail of Ponti's squadron were arrived at Placentia, and had joined Monsieur Nesmond. Being asked what time it was that the above-mentioned merchant-men were at Placentia, and no men of war there, he says he cannot swear to the time.

The consultation of 24 July 1697 was read. The court-martial of 11 August 1697 for breaking Capt. Desborow was read. Part of the Admiralty's instructions to Capt. Norris is read.⁶⁷

Memorandum: That the king's instruction to the Admiralty, relating to spoil taken from the enemy (desired by Mr. Desborow to be read), be considered when they are withdrawn.

Capt. Desborow shows a certificate under his officers' hands of their giving him their shares in the prize taken by him.

Ordered, that the depositions taken at the breaking Capt. Charles Desborow in St. John's, now with the Commissioners of the Admiralty, be laid before the committee.

Capt. Stapleton is directed to bring a copy of the account of the stores charged on him to have been put on board the *Bullet*, which he says has been returned.⁶⁸ Col. Gibson is likewise directed to bring a copy of that part of Col. Dore's Journal which was read before their Lordships.⁶⁹ Col. Desborow is directed to leave Mr. Norris' orders to him with the committee; one of which he left, the other, he says, is with the House of Commons, if not lost. They withdraw.

Ordered, that the Admiralty lay before the committee the original order for paying Capt. Norris 1447 *l.* 14 *s.*, for provisions he took out of French prizes, as also the orders of 24 Feb. and 7 March 1697⁷⁰ concerning Capt. Norris, and likewise the depositions taken at the breaking him [Desborow] at St. John's in Newfoundland.

Ordered, that the House be moved that Capt. Desborow may have the protection of the House. It being proposed on behalf of Col. Gibson's officers that they may be dismissed, they are told they are not to attend daily, but they must not be out of the way, if they be wanted. Notice having been taken, that some of the officers had used unfitting expressions of Mr. Desborow, they are directed to take care that they do not do the

⁶⁷ The three papers here referred to are printed in *MSS. H. of L.*, pp. 324, 326, 327.

⁶⁸ *Ibid.*, p. 349.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, pp. 332-333.

like again, nor proceed farther, for the committee will not suffer it to anyone attending them. (*MSS. H. of L.*, 1697-1699, pp. 314-315, 345-347.)

Mar. 18, HL. Select committee.⁷¹ E. Rochester in the chair.

A clerk of the Admiralty delivers in the orders sent for yesterday, but he says the depositions sent for, that were said to be taken at the breaking Mr. Desborow, are not in the Admiralty Office, nor never were so, that he knows of.

Ordered that the Commissioners of the Admiralty lay before the committee the order of 3 Dec. 1697 for paying 500 *l.* to Mr. Cumberbatch and 150 *l.* for a medal and 50 *l.* to Mr. Beames;⁷² and that they send the same to the clerk. . . .

Capt. Charles Desborow (sworn) says that a day or two or three after he had delivered the above-mentioned letter to the Lord Robert Russell, he waited on his Lordship to know my Lord Orford's answer to it, and his Lordship told him he had delivered it to the Lord Orford, and that he read part of it, and put it in his pocket, and further told me that his Lordship said I was in the wrong of it, and that if Norris had done anything he could answer it, or to that effect. That I further told his Lordship that I was now to return his Lordship my humble thanks for all the favours he had done me, and that I begged one more, which was to give my duty to my Lord Orford, and that I hoped he would not take it amiss, since his Lordship would not adhere to my complaint, if I did complain in another place; and my Lord Robert's answer was that he could not take it ill if I did so, or to that effect. He says it was by Sir William Ellis' knowledge that he wrote this letter, and Sir William Ellis had either the letter itself or a copy of it in his hands a week before I delivered it to the Lord Robert Russell. He says he attended rather more than two months in endeavouring to speak with my Lord Orford, and that he did likewise in that time wait on Sir Robert Rich and had some talk with him about our Newfoundland expedition, but when the deponent came to talk of Capt. Norris' actions he would have no longer patience, but left the room, telling the deponent he had other business.

The clerk is directed to make a copy of the notes taken against Tuesday.

Ordered, that the notes taken at the committee be reported. (*Ibid.*, pp. 315, 347-348.)⁷³

Mar. 20, HC. A bill for the more effectual preventing the exportation of wool from England was read the first time.

Resolved, that the bill be read a second time.⁷⁴ (*C. J.*, XII. 603.)

⁷¹ See preceding entry.

⁷² Printed *MSS. H. of L.*, pp. 348-349.

⁷³ This day in the Commons there was presented an account of the grants made since Jan. 1, 1697, showing the following: Mar., 1697/8, a grant to Ralph Gray, governor of Barbados, £1200 per annum, out of the duty of four and one-half per cent. arising within the island, from July 24, 1697, during his Majesty's pleasure, for his support in that government; and in the same month, a grant to Samuel Day, governor of Bermudas, of £240 per annum, out of the exchequer of England, from Jan. 14, 1697, during his continuance in that office. *C. J.*, XII. 599.

⁷⁴ *Ante*, pp. 278, 288. Orders for the second reading were made Mar. 23, 25, 29, 31, and Apr. 12, but no further action is recorded. *Ibid.*, pp. 610, 614, 623, 626, 640.

Mar. 21, HL. The Earl of Rochester reported from the Lords committees appointed to consider of Captain Desborow's petition, the several informations taken upon oath relating to that matter.

After debate:

The question was put, whether the consideration of this report shall be taken up on Monday next?

It was resolved in the negative.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the consideration of this report shall be resumed on Thursday next, at eleven of the clock in the forenoon; and no other business to intervene; and all the Lords summoned to attend. (*L. J.*, XVI. 410.)⁷⁵

Mar. 22, HL. *Hodie 3a vice lecta est billa*, intituled, An act for vesting and settling the estate of Anne Bridges, an infant, in Bermudas, alias the Sommer Islands, in America, in and upon trustees, to be sold; and laying out the monies arising by such sale here in England, for the use of the said Anne Bridges.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Robert Legard and Sir Richard Holford:

To carry down the said bill, and desire their concurrence thereunto.⁷⁶

(*Ibid.*, p. 411.)

Mar. 23, HL. The House took into consideration the report made the one and twentieth instant, upon the petition of Captain Desborow, and the several informations taken in that matter.

Then the House was adjourned during pleasure, and put into a committee.⁷⁷

After some time, the House was resumed.

And the Lord Herbert reported, that the committee was of opinion, that Captain Desborow was unjustly broken; and also that an address be made to his Majesty, to restore him to his Majesty's favour, and his own just rights.

To which the House agreed.

It is resolved, by the Lords Spiritual and Temporal in Parliament assembled, that it is the opinion of this House, that Captain Charles Desborow was unjustly broken; and also that an humble address be presented to his Majesty, from this House, that he may be restored to his Majesty's favour, and his own just rights.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the House shall be put into a committee again to-morrow, to consider further of the report made the one and twentieth instant, upon Captain Desborow's petition; and all the Lords summoned to attend.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that all the captains and officers now in town, who were at the council of war when Captain Desborow was broken, do attend this House to-morrow, at ten of the clock in the forenoon. (*Ibid.*, p. 413.)

⁷⁵ *MSS. H. of L.*, p. 315.

⁷⁶ *C. J.*, XII. 610.

⁷⁷ See next item.

Mar. 23, HL. The House took into consideration the report made on the 21st inst., and the informations taken in the matter.

Moved to hear the gentlemen upon oath that were for the fighting, what reasons the others gave that were not for fighting Pontî. Moved to go into a committee and to begin on that part of Capt. Desborow's justification or condemnation. Moved that the House be put into a committee to debate this matter. House adjourned during pleasure, and put into a committee. L. Herbert in the chair.

Moved to hear the captains that were for fighting upon their oaths, those against fighting not on their oaths, and for a copy of the court-martial. Proposed to declare that the not falling upon Pontî's squadron, upon the intelligence they had, was a miscarriage. To condemn the council of war, because the reasons [were] not set down. To declare that Capt. Desborow by your opinion may be restored to his employment. To disapprove the instructions given to Norris that the land officers have votes with the sea officers. Proposed to hear the sea captains concerning the breaking Mr. Desborow who were of the court-martial. Proposed to call in the captains presently, and that each captain give his single reason why he was for breaking Capt. Desborow; or that they give an account of their reasons for breaking Capt. Desborow. Agreed to call in the captains and hear them presently.

Capt. Dove was called in. Asked if he was of the court-martial and was of opinion for breaking him, he says, yes; I was for breaking him for breach of duty and neglect of orders.

Capt. Desborow called in and asked, if he has Norris' orders for cruising. The first are left with the House of Commons; they were merely verbal.

Capt. Dove asked: Capt. Desborow was to have gone out on the 25th, and he neglected his time, and I lent him a boat. He went on the 26th, and the 27th he brought us imperfect account. He brought us account the ships were loose. He goes to Conception Bay, and stays three days after, and he might have sent his boat in 8 hours, or overland in the same time.

Capt. Desborow was heard in answer to what he said.

Capt. Stapleton called in. Asked if he was of the court-martial and for breaking. He says yes; I was for breaking him, because Norris had ordered him out, and he did not return in three days.

Capt. Desborow heard.

Capt. Day, asked as before. Says yes; for neglect of duty and breach of orders.

Capt. Roffey, asked: I was. I cannot remember the words of the order. It appeared to me upon oath in court-martial, he did break Norris' order.

Capt. Miles asked: I was of the court-martial. For breach of Norris' orders, for going on there at Carbonear, and not returning to us. Desborow confessed he had committed a fault.

Capt. Wade asked: I was of the court-martial. The reason was for neglect of duty, when to go out of the harbour. He went on land, when he should have returned.

They withdrew. Proposed to put the question, whether Desborow was not wrongfully broken? After debate, the question was put; whether the

House shall be now resumed? Resolved in the negative. Contents 33; not-contents 43. Tellers: E. Rivers and L. Osborne. Then the question was put: Whether Capt. Desborow was unjustly broken? Resolved in the affirmative. House moved to make an address to his Majesty to restore Capt. Desborow to his favour and Capt. Desborow's just rights. House resumed. . . . (MSS. H. of L., 1697-1699, pp. 315-316.)⁷⁸

Mar. 24, HL. The House took into consideration the report from the Lords committees appointed to consider of the petition of Captain Desborow.

And Mr. James Petre, being called in, was sworn; and delivered copies of the depositions taken at the council of war, when Captain Desborow was broke at Newfoundland.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that to-morrow, at eleven of the clock, this House shall be put into a committee, to consider further of the report made the one and twentieth instant, upon the petition of Captain Desborow; and that all the Lords be summoned to attend.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that William Bridgeman esquire late secretary to the Admiralty, and Mr. Marriot doorkeeper thereunto, do attend this House to-morrow, at eleven of the clock in the forenoon. (L. J., XVI. 417.)⁷⁹

1699.

Mar. 25, HL. The House was adjourned during pleasure, and put into a committee, to consider further of the report made the one and twentieth instant, upon Captain Desborow's petition.

After some time, the House was resumed.

And the Lord Herbert reported, the committee was of opinion, that the not going out to fight Ponti, upon the several intelligences given, was a very high miscarriage, to the great disservice of the king and kingdom.

To which the House agreed.

Ordered, that the House be put into a committee again on this matter, upon Monday morning next, at eleven of the clock.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that when Captain Norris shall arrive in England, he do immediately attend this House. (*Ibid.*, p. 419.)⁸⁰

Mar. 25, HC. Sir Edward Seymour, according to order, presented to the House a bill for encouraging the trade to Newfoundland: and the same was received; and read the first time.⁸¹

Resolved, that the bill be read a second time. (C. J., XII. 613.)

Mar. 25, HC. Mr. Shackerly reported from the committee, to whom the consideration of the petition of the aldermen, and stewards, of the

⁷⁸ In a petition presented this day to the Commons by the London distillers, against the bill prohibiting distilling from corn, it was advanced that the bill would be to the prejudice of trade since the Dutch bought up "molasses and other materials of our plantations". C. J., XII. 609.

⁷⁹ Also MSS. H. of L., p. 317.

⁸⁰ *Ibid.*

⁸¹ See *ante*, p. 275.

Company of Felt-makers in the city of Chester, was referred, that they had examined and considered the same, and had come to a resolution; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read; and is as followeth; *viz.*

Resolved, that it is the opinion of this committee, that it will be a great encouragement of trade, and an advantage to this nation, that all women-servants in England, and in the English plantations, whose wages exceed not five pounds per annum, be obliged to wear felt-hats, of the manufacture of England.

The said resolution being read a second time;

Resolved, that the House doth agree with the committee in the said resolution, that it will be a great encouragement of trade, and an advantage to this nation, that all women-servants in England, and in the English plantations, whose wages exceed not five pounds per annum, be obliged to wear felt-hats, of the manufacture of England.

And a motion being made, and the question being put, that a bill be brought in upon the said resolution;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Shackerly, Mr. Pye: 55.

Tellers for the noes, Mr. Trenchard, Mr. Lowther: 57.

So it passed in the negative.⁸² (*C. J.*, XII. 613.)

Mar. 27, HC. A bill for encouraging the trade to Newfoundland was read a second time.

Resolved, that the bill be committed to Sir Edward Seymour, Sir Barth. Shower, Mr. Gwyn, Lord Cavendish, Mr. England, Mr. Hoar, Mr. Vaughan, Mr. Brotherton, Mr. Duke, Mr. Vernon, Mr. Champneys, Mr. Carteret, Mr. Shackerly, Sir Jos. Tredenham, Mr. Clayton, Mr. Hays, Mr. Lee, Sir Rowl. Gwyn, Sir Walter Young, Mr. Gurdon, Sir Henry Ashurst, Mr. Nicholson, Mr. Gorge, Sir Willoughby Hickman; and all that serve for the counties of Cornwall, Devon, and Dorset, and for the sea-ports; and all that are merchants of the House: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (*Ibid.*, p. 615.)

Mar. 27, HC. An ingrossed bill, from the Lords, intituled, An act for vesting and settling the estate of Anne Bridges, an infant, in Bermudas, alias the Summer-Islands, in America, in and upon trustees, to be sold; and laying out the money, arising by such sale, in England, for the use of the said Anne Bridges; was, according to order, read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 618.)

Mar. 27, HL. The Earl of Stamford reported from the Lords committees, the bill, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the

⁸² This petition was presented Mar. 3, and complained of the decline of the felt-makers' trade, occasioned "by the general disuse of felt hats amongst women of inferior quality" (*C. J.*, XII. 541). At the hearing before the committee, the petitioners averred that it would be of great advantage to the nation if ordinary women and maid-servants were obliged to wear felt hats, since this would give employment to more than 100,000 poor people, vastly increase the consumption of English wool, and encourage trade and exportation (*ibid.*, p. 613).

encouragement of the woollen manufacture in the kingdom of England, as fit to pass, with some amendments.

Which were read: and, after debate thereupon, it is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said bill shall be, and is hereby, re-committed to the same committee as before; and to meet on Wednesday next, at ten of the clock in the forenoon. (*L. J.*, XVI. 420.)

Mar. 27, HL. The House was adjourned during pleasure, and put into a committee upon the petition of Captain Desborow.

After some time, the House was resumed.

And the Lord Herbert reported, that the committee was of opinion, that the joining the land officers with the sea officers, in the council of war of the four and twentieth of July, one thousand six hundred ninety-seven, was one occasion of the miscarriage in not fighting Ponti.

That the original sentences of all court martials shall be transmitted to the Judge Advocate.

That the original depositions, upon which the sentences of court martials are founded, be always transmitted to the Judge Advocate.

And, that in all sentences of court martials, the crimes for which the offenders are sentenced be particularly specified.

To which the House agreed. . . .⁸³ (*Ibid.*)

Mar. 29, HC. A petition of William Wallis, of London, merchant, was presented to the House, and read; setting forth, that the petitioner, for many years past, hath been a contractor with the Commissioners of his Majesty's Navy, for supplying his Majesty with masts, and other naval stores; and, not being able to procure an English built ship for such service, was obliged to buy a foreign-built ship of great length, called the *Hope*: that, by an act of Parliament for regulating the plantation-trade, the petitioner is hindered from employing the said ship any more in his Majesty's service: and praying a bill may be brought in to enable the said ship *Hope* to trade as an English built ship.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Sir Richard Farrington do prepare, and bring in, the bill.⁸⁴ (*C. J.*, XII. 620.)

Apr. 1, HC. Sir Richard Farrington, according to order, presented to the House a bill to enable the ship *Hope*, of a great length, and very serviceable for bringing masts into this kingdom, to trade as an English-built ship: and the same was received.

Ordered, that the bill be read upon Monday morning. (*Ibid.*, p. 627.)

Apr. 1, HL. The Earl of Stamford reported from the Lords committees, the bill, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufacture in the kingdom of England, as fit to pass, with some amendments.

Which were read twice, and agreed to.

⁸³ A committee was then appointed to draw an address to be presented to the king, upon the several heads agreed to by the House. This committee met on Mar. 31, Apr. 3, 13, 17. On Apr. 13, a petition of Desborough, offered by the Earl of Oxford, was read, and an address drawn. *L. J.*, XVI. 420; *MSS. H. of L.*, p. 317.

⁸⁴ 10 and 11 Gul. III., private, c. 74.

Hodie 3a vice lecta est billa, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufacture in the kingdom of England.

The question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Robert Legard and Mr. Meredith:

To return the said bill, and desire their concurrence to their Lordships amendments.⁸⁵ (*L. J.*, XVI. 431.)

Apr. 4, HC. A bill to enable the ship *Hope*, of great length, and very serviceable for bringing masts into this kingdom, to trade as an English-built ship, was read the first time.

Resolved, that the bill be read a second time. (*C. J.*, XII. 631.)

Apr. 6, HC. A bill to enable the ship *Hope*, of great length, and very serviceable for bringing masts into this kingdom, to trade as an English-built ship, was read a second time.

Resolved, that the bill be committed to Mr. Offly, Sir Richard Cocks, Sir Richard Farrington, Mr. Dyot, Mr. Thornhaugh, Mr. Gwynne, Mr. England, Sir Godfrey Copley, Mr. Carteret, Sir Wm. Cowper, Mr. Conyers, Mr. Sergeson, Sir Owen Buckingham, Mr. Bernardiston, Mr. Crocker, Mr. Stonehouse, Mr. Gott, Mr. White, Sir Tho. Day, Mr. Freeke, Mr. Yates, Mr. Blaake, Mr. Harley, Mr. Cowper, Mr. Mountstevens, Mr. Burrard, Mr. Blofeild, Colonel Yates, Sir John Fagg, Mr. Hancock, Mr. Hughes, Mr. Smith, Mr. Parkhurst, Mr. Argyl, Mr. Cooke: and they are to meet this afternoon at five a clock in the Speaker's Chamber.⁸⁶ (*Ibid.*, p. 633.)

Apr. 12, HC. An ingrossed bill, from the Lords, intituled, An act for the vesting and settling the estate of Anne Bridges, an infant, in Bermudas, alias the Sommer-Islands, in America, in and upon trustees, to be sold; and laying out the money, arising by such sale, in England, for the use of the said Anne Bridges; was read a second time.

Resolved, that the bill be committed to Mr. Bridges, Mr. Clayton, Sir Will. Coriton, Mr. Pitfeild, Mr. Varney, Mr. Winnington, Mr. Mountstevens, Sir Tho. Wagstaffe, Sir Rowland Gwyn, Mr. Rowney, Sir Robert Edon, Mr. Foley, Mr. Gwynne, Sir Godfrey Copley, Mr. England, Mr. Hayes, Sir Barth. Shower, Sir John Mordant, Mr. Brotherton, Mr. Proby, Mr. Molineux,⁸⁷ Mr. Hughes, Mr. Pery, Mr. Boyle, Sir Fran. Molineux, Mr. Conyers, Mr. Ashurst: and they are to meet at five a clock this afternoon, in the Speaker's Chamber.⁸⁸ (*Ibid.*, p. 639.)

Apr. 15, HC. A petition of the Governor and Company of Merchants of London, trading to Greenland, was presented to the House, and read;

⁸⁵ *Apr. 14*, the Commons added another amendment relating to the execution of the act in Ireland, and this was accepted by the Lords the same day. The royal assent was given May 4. *C. J.*, XII. 630, 632, 639, 642, 643; *L. J.*, XVI. 437, 464.

⁸⁶ This committee was on *Apr. 12* increased. *C. J.*, XII. 639.

⁸⁷ Besides Sir Francis, named below, Thomas Molyneux, representing Preston, was a member of this Parliament.

⁸⁸ This committee on *Apr. 14* was increased. *Ibid.*, p. 641.

setting forth, that, by two several late acts of Parliament, an additional duty of tonage and poundage is granted to his Majesty, whereby all goods imported are charged with 12 *d.* in every 20 *s.* value; by virtue of which said acts, the Commissioners of the Customs have demanded the said duty on all oil, blubber, and whale-fins, by the petitioners caught and imported, and caused the money to be deposited for the same; to the discouragement of the Greenland trade: and praying an encouragement of the Greenland fishery.

Ordered, that the committee, to whom the bill for encouraging the trade to Newfoundland is committed, have power to receive a clause to explain the said acts.⁸⁹ (*Ibid.*, p. 644.)

Apr. 17, HC. Mr. Lowndes, according to order, presented to the House. . . .

An account of the net produce of the new duty on whale-fins
from the 10th of July last. . . .

Which accounts are read; and are as followeth; *viz.*

Whale-fins.	Money.			Bond.			Total.		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
From the 10th of July 1698. to the 15th April following, inclusive, London...	4,872	19	10	50	8	0			
Out-ports, to Christmas 1698.....	1	1	6½						
	4,874	1	4½	50	8	0	4,924	9	4½ ⁹⁰

(*Ibid.*, pp. 646-647.)

Apr. 17, HC. Mr. Cowper, according to order, reported from the committee of the whole House, to whom it was referred to consider of ways and means for raising the supply to be granted to his Majesty, the resolutions which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that the present duty of 8 *d.* per gallon on low wines, and spirits of the first extraction, drawn from molasses and other foreign materials, or any mixture therewith, be reduced to 4 *d.* per gallon. . . .

The rest of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill, or bills, be brought in upon the said resolutions: and that Mr. Cowper and Mr. Lowndes do prepare, and bring in, the same. (*Ibid.*, pp. 647-648.)

Apr. 17, HL. The Earl of Rochester reported from the Lords committees (appointed to draw an address to be presented to his Majesty upon the heads agreed to by the House, upon the report made the one and

⁸⁹ The act as passed exempted the company from the payment of these duties; *ante*, p. 275, note 36.

⁹⁰ A year's estimate of the new duty on whale-fins was placed at £5000.

twentieth day of March last, relating to the petition of Captain Desborow) an address.

Which was read, and agreed to, as follows; (*videlicet*,)

We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, humbly acquaint your Majesty, that we have received a petition from Charles Desborow, late captain of your Majesty's ship the *Mary Galley*, employed in the expedition to Newfoundland, in the year one thousand six hundred ninety-seven, under the command of Captain Norris; which petition sets forth, that, on the one and twentieth of July, one thousand six hundred ninety-seven, Monsieur Ponti appeared off the port of St. John's, which gave the fairest opportunity imaginable to those that were then employed on that expedition, to have taken the French, if the intelligence that from time to time was given by the said Charles Desborow and others had been believed; and that, instead of receiving any encouragement for his readiness to do service to the nation, he was unjustly charged with breach of orders and neglect of duty, and dismissed from his command: which we conceived to be a matter of so ill consequence to your Majesty's service, if there were truth in it, that we thought fit to enter into a particular examination, upon oath, of the allegations of the said petition; wherein the said Desborow doth acquaint the committee of this House, that, on the one and twentieth of July, five French ships appeared off St. John's, which were reported, by prisoners taken, to be part of Monsieur Nesmond's squadron, appointed to attack St. John's: that, on the three and twentieth of July, four English men, who had been taken prisoners by Ponti, made their escape; and informed him, the said Desborow, that the five ships before mentioned belonged to Ponti; that most of his men were sick; and that their provisions were short. These four men informed Commodore Norris the same thing, and also that they came from the West Indies; but he would not believe them: that Alexander Cumberbatch (who was a prisoner with Ponti, but being sent under a guard to the shore to get him provisions and liberty to water) gave us notice hereof by letter; and told us, that if we would serve our country, this was the time: that Edwards and Shuttleworth brought this letter from Cumberbatch, and affirmed the same thing; but we would not believe them: that, on the six and twentieth of July, the said Desborow was sent out to discover them, and Captain Littleton was sent out the same day, or the next, to Carboneir; where pursuing a French boat sent out from Ponti, the Frenchmen were forced on shore, and surrendered themselves to the merchant-men that kept guard on the island of Carboneir, who brought five and twenty of them to Captain Norris, to whom they owned it was Ponti's fleet, and not Nesmond's; but he would not believe them, and threatened to whip them. While this was doing, the said Desborow came in, and assured them, there were five French men of war, and no other ships near them. But neither the French prisoners, Shuttleworth, the said Desborow, nor the four English that had been prisoners, could be believed; so it was resolved, not to go out to fight them.

William Essex and Charles Hashfield, being examined before the said committee, said much to the same effect; and particularly, that they heard the four English prisoners say, that those French vessels were five men of war under Ponti, come from Carthagena, who, they said, were weakly manned, and had but little wood and water on board.

And Cumberbatch informed the said committee, that, when he came out of France, the Commissioners of the Admiralty gave him five hundred pounds, and a medal and chain of one hundred and fifty pounds value; and gave his mate fifty pounds, and a medal of thirty pounds, for the intelligence he the said Cumberbatch had given to Commodore Norris at St. John's.

John Bayley deposed, that the ship *Monck*, where Captain Norris was commander, had several bales of linen and woollen, brandy and wine, haberdashery ware, and druggets, on board; and that the bales lay between the guns, and before the cabin door, from the one and twentieth to the eight and twentieth of July; and that the said ship was so pestered with goods, that she was not fit to go to sea all the while Ponti lay there; and they took the fishes, top-masts, and chains, to make a boom across the harbour, to keep Ponti out.

George Wittered also deposed, that the said *Monck* was so pestered with goods, on the one and twentieth of July, when Ponti appeared at the mouth of the harbour, that she was not fit to go out; and that they took the fishes, top-masts, and chains, to make a boom, to keep Ponti out.

We have likewise looked into the resolution of the council of war, of the four and twentieth of July, one thousand six hundred ninety-seven; which was called upon receiving an express from the masters of the merchant ships at Carbonier, of five French men of war being seen off that port, which the officers of the said council of war judged to be a part of Monsieur Nesmond's squadron; where it was considered, whether the squadron should go to sea, or not? To which council of war the land officers were joined. And the question being put, the votes were as follows. every man signing his opinion to his own name:

Seamen:

Francis Dove, Yea.
Robert Stapilton, Yea.
James Littleton, No.
Charles Desborow, Yea.
Cooper Wade, Yea.
Roffey, No.
James Mighells, Yea.
Thomas Day, Yea.
John Cranby, Yea.
John Drake, No.
Nicholas Trevanion, No.
John Norris, Yea.
Tho. Smith, No.

Landmen:

John Gibson, No.
Thomas Dore, No.
Tho. Handasyd, No.
Cliff. Brexton, No.
Griff. May, No.
Hugh Boyd, No.
M. Smith, No.
Jos. Hargrave, No.
Rob't Dalyell, No.
H. Petyt, No.
George Watkins, No.

These votes were signed the four and twentieth of July, at three of the clock in the afternoon; by which it was carried, that the squadron should not go to sea.

After this, we examined all the captains that are now in England, that had been employed on that expedition, who owned the intelligence above-mentioned, but distrusted the truth thereof, thinking still it must be Nesmond, and not Ponti; and yet, by an unaccountable negligence, took no care to send out others, to be further satisfied of the truth of the aforesaid intelligence.

As concerning the said Desborow's being broke by a court martial on the eleventh of August following, for neglect of duty and breach of orders; we have likewise examined as many of the captains of that court martial as are now in England; who do not charge the said Desborow with any particular breach of orders or neglect of duty, but referred themselves to the depositions taken at the court martial for the ground of their reasons for breaking the said Desborow: whereupon we had resort to the original depositions then taken upon oath; and first, of John Stoneman the master of your Majesty's said ship *Mary Galley*, which saith, that, having sailed out of St. John's harbour, on Monday the six and twentieth day of July, they steered to the northward; and on the seven and twentieth of the same, they gave chase to three small sail; one whereof proved to be the *Lisbon Merchant*, Captain Sooks commander, who came that morning from Carbonier, and acquainted them, that the night before there was taken a French man of war's boat, with several prisoners, and that Captain Littleton was gone thence with them to St. John's; also that there were five sail of French men of war then at anchor in Conception Bay. He further deposeth, that, on the eight and twentieth, they saw them at about four miles distance from them; that the biggest of them had a white flag at main-top-mast-head, which he judged to be a ship of about eighty guns, under sail: that thereupon they made the best of their way for St. John's harbour, to acquaint the commander in chief with it: that they plied off and on, off St. John's, till the nine and twentieth, when they sailed again to the northward, the wind at south west and by west, and the weather very foggy: that, at eleven that night, they fell in with the aforesaid five sail near Cape St. Francis: that the sternmost of them fired a gun, and made false-fires; upon which all their lights were put out immediately, and they lost sight of them, it being hazy weather: that they stood upon a wind till it cleared, which was about two in the morning, when the wind coming out at N. N. E. and seeing no sail, they stood in for Carbonier, to gain intelligence if those ships had done any injury there: that their captain went ashore, and returned at nine at night, and brought a French prisoner with him, which had been taken in the aforementioned boat. He further adds, that that night, about twelve a clock, the current set them so near to the shore, that they were obliged to come to an anchor till three in the morning, when they weighed and made sail for St. John's; but the wind being contrary, they got not off that harbour till the one and thirtieth, when their captain went into the harbour in his boat, to acquaint the commander in chief with what intelligence he had learnt.

Mr. John Crow lieutenant of your Majesty's said ship *Mary Galley*, John Carr, and Nicholas Bundock, mates of your Majesty's said ship, in their several depositions, say near to the same effect.

Mr. Arthur Bass, lieutenant of your Majesty's ship *Monck*, doth depose, upon oath, that, being sent by Captain John Norris, commander in chief of your Majesty's ships in Newfoundland, to get intelligence from the northern parts of the coasts, on the eight and twentieth of July, under Bell Isle, he saw five ships, which he was informed by the inhabitants of that place were French ships, men of war; and that he did at the same time see in the bay your Majesty's ship the *Mary Galley*; and, to the best of his judgement, she was from six to eight a clock no nearer to the French ships than two or three leagues.

Which being the only deposition that charges Desborow with being at that distance from the French ships; we must observe, that the said Bass was not on board the same ship with Desborow, which the other four deponents were; and besides, the said Cumberbatch, who was then aboard Ponti's ships, does depose, that on the eight and twentieth of July (as he believes it was), he saw a frigate-built ship of six and thirty guns, which he took for English, which ship in truth proved to be the said *Mary Galley*; so that it does not appear to us, that any breach of orders or neglect of duty could justly be charged upon the petitioner Charles Desborow. Whereupon this House proceeded to pass the three following votes; (*videlicet*,)

1. It is resolved, by the Lords Spiritual and Temporal in Parliament assembled, that it is the opinion of this House, that Captain Charles Desborow was unjustly broken; and also that an humble address be presented to his Majesty, from this House, that he may be restored to his Majesty's favour and his own just rights.

2. It is resolved, that the squadron commanded by Captain Norris, at St. John's in Newfoundland, not going out to fight Ponti, upon the several intelligences given, was a very high miscarriage, to the great disservice of the king and kingdom.

3. It is resolved, that the joining the land officers with the sea officers, in the council of war of the four and twentieth of July, one thousand six hundred ninety-seven, was one occasion of the miscarriage in not fighting Ponti.

All which, according to our duty, we lay before your Majesty, to the end your Majesty may be plainly and impartially informed of the great miscarriage in that expedition, and the true cause and ground of it; not doubting but that your Majesty, upon a serious reflection of this our humble representation, will give effectual orders for the redressing and recompensing this poor man's grievances and sufferings in particular, and for the vindicating the reputation of your own service, both at home and abroad; which, we are sensible, hath extremely suffered on this occasion; and for preventing the like discredit, damage, and mismanagement, for the future.

And whereas several matters of very great consequence have been, throughout the course of these examinations, sworn against Captain Norris, which we forbear to enter into a more particular inquiry of, be-

cause the said Captain Norris was not here to answer for himself; we humbly desire, that your Majesty would give effectual orders, that the said Captain Norris be forthwith remanded, and ordered to attend this House the next session of Parliament, to answer such matters as have been now objected against him; and that, in the mean time, the said Captain Norris may be suspended from his employment in your Majesty's service.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lords with white staves do attend his Majesty, with the address agreed to this day, relating to Captain Desborow.⁹¹ (*L. J.*, XVI. 438-440.)

Apr. 18, HC. A petition of the merchants in and about the City of London, trading to New-England, New-York, and Pensilvania, was presented to the House, and read; setting forth, that, by the act of 9^o and 10^o Gul. III. RS.⁹² a duty of 3 *d.* only for all whale-fins taken, caught, and imported, in or by any ships belonging to the Greenland Company; and a duty of 6 *d.* for any other ship or vessel that shall do the like; that the whale-fin of Greenland is double the value per pound of that of the said colonies; and therefore cannot bear to pay above half the duty charged upon the said Greenland whale-fin: and praying, that they may be admitted to enter whale-fins ad valorem, and pay duties accordingly.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider further of ways and means for raising the supply to be granted his Majesty. (*C. J.*, XII. 650.)

Apr. 20, HC. An ingrossed bill, from the Lords, intituled, An act for the vesting and settling the estate of Anne Bridges, an infant, in Bermudas, alias the Sommer-Islands, in America, in and upon trustees, to be sold; and laying out the money arising by such sale in England, for the use of the said Anne Bridges; was read the third time.

Resolved, that the bill, with the amendments, do pass.

Ordered, that Mr. Conyers do carry the bill to the Lords, and acquaint them, that this House hath agreed to the same, with some amendments: to which they desire their Lordships concurrence.⁹³ (*Ibid.*, p. 656.)

Apr. 22, HC. Mr. White reported from the committee, to whom the bill to enable the ship *Hope*, of great length, and very serviceable for bringing masts into this kingdom, to trade as an English-built ship, was committed, that they had examined the same, and found the allegations thereof to be true; and had directed him to report the same to the House, without any amendments: and he delivered the same in at the clerk's table.

Ordered, that the bill be ingrossed. (*Ibid.*, p. 659.)

⁹¹ MSS. *H. of L.*, 1697-1699, pp. 317-318. Apr. 21, the Earl of Bradford reported his Majesty's answer to this address: "That his Majesty will consider of the address; and give the necessary directions, in order to what the House desires." *L. J.*, XVI. 446.

⁹² *C. 45; ante*, p. 249. This petition was presented at the last session but was not received (*ante*, p. 259). A clause settling the duties on whale-fins was added to 10 and 11 Gul. III. c. 10 (*post*, p. 307). RS. is perhaps an abbreviation for *Rotuli Statutorum*, Statute Rolls, though the proper term was Parliament Rolls.

⁹³ The amendments were acceptable to the Lords, and the royal assent was given May 4. *L. J.*, XVI. 445, 466; *C. J.*, XII. 665.

Apr. 24, HC. Ordered, that the report from the committee, to whom the bill for encouraging the trade to Newfoundland was committed, be made to-morrow morning. (*Ibid.*, p. 661.)

Apr. 24, HC. An ingrossed bill to enable the ship *Hope*, of great length, for bringing masts into this kingdom, to trade as an English ship, was read the third time.

Resolved, that the bill do pass: and that the title be, An act to enable the ship *Hope*, of great length, and very serviceable for bringing masts into this kingdom, to trade as an English-built ship.

Ordered, that Mr. White do carry the bill to the Lords, and desire their concurrence thereunto.⁹⁴ (*Ibid.*, p. 662.)

Apr. 24, HL. Upon reading the petition of Daniel Collins, Owen Davis, and Robert Richards, on the behalf of themselves, and about four hundred more, with the wives of the absent, and the widows of such as were killed and died, that did belong to his Majesty's ships the *Dunkirke* and the *Winchester*:⁹⁵

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said petition shall be considered on Thursday next, at eleven of the clock in the forenoon. (*L. J.*, XVI. 448.)

Apr. 24, HL. Petition of Daniel Collins, Owen Davis, and Robert Richardson, on the behalf of themselves and about 400 more, with the wives of the absent and the widows of such as were killed and died, that belonged to his Majesty's ships the *Dunkirk*, the *Winchester*, etc.

Petitioners and their respective husbands [*sic*] served his Majesty in the expedition to the West Indies in the years 1694-5 under the command of Capt. Robt. Wilmot, commodore of the said squadron, in which expedition a merchantman of about 200 tons, laden with wine and brandy, and two sloops were taken from the French which, with their loading, were sold at Jamaica, and the money put on board the *Dunkirk*. Petitioners fought on shore at the taking and plundering of Port Apaix and Cape Franscom,⁹⁶ where were taken great quantities of gold, silver, jewels, plate, and other rich wares and merchandizes, with a great number of negroes, all or most of which were sold to the Spaniards and at Jamaica, and the produce put on board the *Dunkirk* and left there at the commodore's death and Capt. Butler's taking the command thereof. Petitioners, in their return for England, took a French ship off Newfoundland, loaded with fish, which Capt. Butler (after he had taken what he pleased out of her) sent into Looe in Cornwall and there sold, and he refuses to give petitioners any account or shares of the respective prizes and plunder, but has engrossed the whole to himself, which petitioners hope to prove to be above 20,000 *l*.

Pray their Lordships to command him to appear to answer these complaints.⁹⁷ (*MSS. H. of L.*, 1697-1699, pp. 422-423.)

⁹⁴ *L. J.*, XVI. 448.

⁹⁵ For the text of the petition, see next entry.

⁹⁶ Port de Paix and Cap François.

⁹⁷ Signed by Owen Davis and ten others. Endorsed: "Read 24 April 1699, ordered to be considered on Thursday next. Read 27 April 1699 and ordered to be sent to the Admiralty and an answer to be returned on Saturday next."

Apr. 25, HL. Hodie ia vice lecta est billa, intituled, An act to enable the ship *Hope* (of great length, and very serviceable for bringing masts into this kingdom) to trade as an English-built ship. (*L. J.*, XVI. 449.)

Apr. 25, HL. Upon reading the petition of William Davis and others, seamen, in behalf of themselves and others;⁹⁸ as also the petition of John Bayly and others, in behalf of themselves and the ships company belonging to the *Monke*:⁹⁹

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said petitions shall be taken into consideration on Thursday next. (*Ibid.*, p. 450.)

Apr. 25, HL. Petition of John Bayley, George Trout and Roger Whitred in behalf of themselves and the rest of the ship's company belonging to his Majesty's ship *Monk*.

Petitioners served under the command of Robert Stapleton in the expedition to Newfoundland, Capt. John Norris, commodore, during which time they took several prizes, to the value of 50,000 *l.*, whereof they have not had their shares, due by act of Parliament, allotted to them.

Pray that justice may be done to them.¹⁰⁰ (*MSS. H. of L.*, 1697-1699, p. 422.)

Apr. 25, HC. Mr. Gwyn reported from the committee, to whom the bill for encouraging the trade to Newfoundland was committed, that they had considered the same, and the petition of the Greenland Company to them referred; and had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table.

Ordered, that the report be taken into consideration to-morrow morning.¹⁰¹ (*C. J.*, XII. 664.)

Apr. 26, HL. Hodie 2a vice lecta est billa, intituled, An act to enable the ship *Hope* (of great length, and very serviceable for bringing masts into this kingdom) to trade as an English-built ship.

Ordered, that the consideration of the said bill be committed to the same committee to whom Mr. Conway's bill stands committed.¹⁰² (*L. J.*, XVI. 452.)

Apr. 26, HC. Mr. Lowndes, according to order, presented to the House a bill for laying further duties upon sweets; and for lessening and settling the duties as well upon vinegar, as upon low wines drawn from certain materials, and the duties upon brandy imported; and for the more easy raising the duties upon leather; and for charging of cinders; and the same was read the first time.¹⁰³

⁹⁸ For adjustment of pay for services on the fleet, their absences being due to sickness. *MSS. H. of L.*, p. 423.

⁹⁹ See next item.

¹⁰⁰ Endorsed: "Read 25 April 1699, and ordered to be considered next Thursday. Read 27 April 1699 and ordered to be sent to the Admiralty, and that an answer be returned hither on Saturday next."

¹⁰¹ Postponed to May 1. *C. J.*, XII. 669, 671.

¹⁰² *L. J.*, XVI. 443.

¹⁰³ 10 and 11 Gul. III. c. 10 (21 in the common printed editions); *Statutes*, VII. 501. This act exempted from its provisions refiners of sugar who, before June 1, 1699, should give bond not to sell syrups made from sugar, except molasses, or to make use of the same in increasing or improving wine; and because of the improvement in distilling

Resolved, that the bill be read a second time, to-morrow morning. (C. J., XII. 668.)

Apr. 27, HC. A bill for laying further duties upon sweets; and for lessening and settling the duties, as well upon vinegar, as upon low wines drawn from certain materials, and the duties upon brandy imported; and for the more easy laying the duties upon leather; and for charging of cinders; was, according to order, read a second time.

Resolved, that the bill be committed to the committee of the whole House, to whom the bill for the full and effectual charging the duties upon rock-salt is committed. . . .

Ordered, that it be an instruction also to the said committee, that they have power to receive a clause, that whale-fins, taken in the seas of his Majesty's plantations, in America, do pay no more duty than those paid by the Greenland Company.

Ordered, that it be an instruction also to the said committee, that they have power to receive a clause for the more effectual preventing brewers from using molosses in the brewing-trade. (*Ibid.*, p. 670.)

Apr. 27, HL. Upon reading the several petitions following; (*videlicet*,)

1. The petition of John Bayley, George Trout, Roger Whitred, in behalf of themselves and the rest of the ship's company belonging to his Majesty's ship *Monke*

3. The humble petition of Daniel Collins, Owen Davis, Robert Richards, on behalf of themselves and about four hundred more, with the wives of the absent, and the widows of such as were killed, and died, that did belong to his Majesty's ships the *Dunkirke* and the *Winchester*:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of the Admiralty do lay before this House, on Saturday next, at eleven of the clock in the forenoon, an account of what they have done upon the matters complained of in the said petitions.¹⁰⁴ (L. J., XVI. 454.)

Apr. 28, HL. The Earl of Rochester reported from the Lords committees, the bill, intituled, An act to enable the ship *Hope* (of great length, and very serviceable for bringing masts into this kingdom) to trade as an English-built ship, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act to enable the ship *Hope* (of great length, and very serviceable for bringing masts into this kingdom) to trade as an English-built ship.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁰⁵ (*Ibid.*, p. 455.)

brandy, that made from molasses and sugar of the plantations being nearly as good as the imported product, the old duties on spirits and wine were reduced. The importation of plantation tobacco was also regulated, making it necessary, after Sept. 29, 1700, to ship in casks containing at least two hundredweights of 112 lbs. each. Whale fins taken by the inhabitants of New England, New York, Pennsylvania, and the other American colonies, were by this act charged with no higher duties than were paid by the Greenland Company.

¹⁰⁴ *Ante*, pp. 305, 306. The reply of the Admiralty is printed in *MSS. H. of L.*, 1697-1699, pp. 420-421. The commissioners maintained that proper distribution had either been made or would be made, in accordance with law.

¹⁰⁵ C. J., XII. 673. The royal assent was given May 4 (L. J., XVI. 466).

Apr. 28, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the bills for laying further duties upon sweets

Mr. Cowper also reported from the said committee, that they had made some progress in the bill for laying further duties upon sweets and had directed him to move, that they may have leave to sit again.

Resolved, that this House will, to-morrow morning, after the said report, resolve itself into a committee of the whole House, to consider further of the said bill. (*C. J.*, XII. 671.)

Apr. 29, HC. Ordered, that it be an instruction to the committee of the whole House, to whom the bill for laying further duties upon sweets; and for lessening and settling the duties, as well upon vinegar, as upon low wines drawn from certain materials, and the duties upon brandy imported is committed that they have power to receive a clause for the better collecting the duties on wines, vinegar, and tobacco. (*Ibid.*, p. 672.)

May 1, HC. A motion being made, and the question being put, that the report from the committee, to whom the bill for encouraging the trade to Newfoundland was committed, be now taken into consideration;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Shackerly, Mr. Lowther: 83.

Tellers for the noes, Sir Wm. Coriton, Mr. Perry: 63.

So it was resolved in the affirmative.

And, the report being read;

The amendments, made by the committee, to the said bill, were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 674.)

May 1, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the bill for laying further duties upon sweets

Mr. Cowper reported from the said committee, that they had gone through the bill, and made several amendments to the bill; which they had directed him to report, when the House will please to receive the same.

Ordered, that the report be made to-morrow morning. (*Ibid.*, p. 675.)

May 1, HL. A paper being offered to the House, intituled, The Case of Captain Edmund Bugdon, late Commander of His Majesty's ship the *Jersey*:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said Captain Edmund Bugdon do attend this House to-morrow, at eleven of the clock.¹⁰⁸ (*L. J.*, XVI. 459.)

May 2, HC. An ingrossed bill for encouraging the trade to Newfoundland was read the third time.

¹⁰⁸ *Ante*, p. 277. It was ordered the following day that Edward Walrond and John Lucas attend the committee which was then appointed to consider the case. The committee met on May 4, but was interrupted by prorogation. *L. J.*, XVI. 460-461; *MSS. H. of L.*, 1697-1699, p. 435.

Resolved, that the bill do pass: and that the title be, An act to encourage the trade to Newfoundland.

Ordered, that Mr. Gwyn do carry the bill to the Lords, and desire their concurrence thereunto.¹⁰⁷ (C. J., XII. 675.)

May 2, HC. Ordered, that leave be given, upon the report from the committee of the whole House, to whom the bill for laying further duties upon sweets was committed; to offer a clause for applying a sum, not exceeding twenty thousand pounds to be distributed, towards their clearing, among the officers of the Scots regiments disbanded and the officers belonging to the three regiments of Holt, Lillingston, and Russell, which were in the West-Indies, and are disbanded; and for whom no half-pay is allowed. (*Ibid.*, p. 676.)

May 2, HC. Mr. Cowper, according to order, reported from the said committee, the amendments made by them to the said bill;¹⁰⁸ which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, except clause K. with some amendments to some of them, agreed unto by the House

And other amendments were made by the House to the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 680.)

May 2, HL. *Hodie 1a vice lecta est billa*, intituled, An act to encourage the trade to Newfoundland. (L. J., XVI. 461.)

May 3, HC. An ingrossed bill for laying further duties upon sweets was read the third time.

And several amendments were made thereunto by the House; and the bill amended at the table accordingly.

Resolved, that the bill do pass: and that the title be, An act for laying further duties upon sweets; and for lessening and settling the duties, as well upon vinegar, as upon certain low wines, and whale-fins, and the duties upon brandy imported; and for the more easy raising the duties upon leather; and for charging of cinders; and for permitting the importation of pearl-ashes; and for preventing abuses in the brewing of beer and ale, and frauds in the importation of tobacco.

Ordered that Mr. Cowper do carry the bill to the Lords, and desire their concurrence thereunto.¹⁰⁹ (C. J., XII. 683.)

May 3, HL. *Hodie 2a vice lecta est billa*, intituled, An act to encourage the trade to Newfoundland.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

After some time, the House was resumed.

And the Earl of Stamford reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment. (L. J., XVI. 462.)

¹⁰⁷ L. J., XVI. 461.

¹⁰⁸ See preceding item.

¹⁰⁹ *Ibid.*, p. 462.

May 3, HL. *Hodie 1a vice lecta est billa*, intituled, An act for laying further duties upon sweets; and for lessening the duties, as well upon vinegar, as upon certain low wines and whale fins, and the duties upon brandy imported . . . and for preventing . . . frauds in importation of tobacco. (*L. J.*, XVI. 462.)

May 4, HL. *Hodie 2a vice lecta est billa*, intituled, An act for laying further duties upon sweets; and for lessening the duties, as well upon vinegar, as upon certain low wines and whale fins, and the duties upon brandy imported . . . and for preventing . . . frauds in importation of tobacco.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

After some time, the House was resumed.

And the Earl of Bridgewater reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

To which the House agreed. (*Ibid.*, p. 463.)

May 4, HL. *Hodie 3a vice lecta est billa*, intituled, An act to encourage the trade to Newfoundland.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹¹⁰ (*Ibid.*)

May 4, HL. *Hodie 3a vice lecta est billa*, intituled, An act for laying further duties upon sweets; and for lessening the duties, as well upon vinegar, as upon certain low wines and whale fins, and the duties upon brandy imported . . . and for preventing . . . frauds in importation of tobacco.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹¹¹ (*Ibid.*, p. 464.)

Session of November 16, 1699–April 11, 1700 (11-12 Gul. III.).

1699.

Dec. 1, HC. The House, according to order, resolved itself into a committee of the whole House, to consider of the present state and condition of the trade of England. . . .

Colonel Granville reported from the said committee, that they had made some progress in the matter to them referred; and had directed him to move, that a copy of the privy-seal, and of the indenture and commis-

¹¹⁰ *C. J.*, XII. 687. The royal assent was given this same day (*L. J.*, XVI. 464).

¹¹¹ *Ibid.* After the royal assent was given to the several bills, Parliament was prorogued. Before the opening of the next session, many changes had been made in the administration. The declining influence of the Whigs led the king to place most of the important offices in the hands of the Tories. Lord Somers, lord high chancellor, alone of the prominent Whig statesmen, retained his office for another session.

sion, under the great seal of England, granted to Captain Kidd; and of the petition, and all other papers, upon which the same were granted; be laid before the House; as also, such representations as were made by the merchants, relating to piracies; and an account of what Captain Kidd has done abroad; and what has been done thereupon here.¹

Ordered, that a copy of the privy-seal, and of the indenture and commission, under the great seal of England, granted to Captain Kidd; and of the petition, and all other papers, upon which the same were granted; be laid before the House; as also, such representations as were made by the merchants, relating to piracies; and an account of what Captain Kidd has done abroad; and what has been done thereupon here.

Colonel Granville also acquainted the House, that he was directed by the said committee to move, that they may have leave to sit again.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, to consider further of the state and condition of the trade of England. (C. J., XIII. 10.)

[Dec. 1], HC. It was appointed yesterday² to go into a committee of the whole House, to consider of trade; none but those that moved for it knew what was intended by it. . . .

Mr. Moore³ began the debate with inveighing against high interest, and that trade could not flourish while so much money was to be laid out at eight per cent. He went next to the piracies, which increased so fast, that our ports in the West Indies were in danger to be shut up; and this let him in to discourse of Kidd,—that he plundered with a commission under the broad seal in his pocket, and was encouraged to it by those who were in partnership with him, and had obtained a grant of all he should steal.

Mr. Howe⁴ took it up, and asked what would become of this nation, if those in authority were not content to plunder and sweep away by grants all that could be got here, but likewise sent out their thieves to rifle whatever was to be met with elsewhere?

Sir Christopher Musgrave⁵ came into it, and said these seemed to be horrid things, and whoever were guilty of them, he should not be for sparing them, if the proofs amounted to what was represented.

It was ordered that Kidd's commission be laid before them; as also the grant to several persons of what he should take, and the indenture with the treasury about the king's tenth part,⁶ together with the representations

¹ Post, pp. 312 et seq.; Jameson, *Privateering and Piracy in the Colonial Period*, p. 190 n. "Yesterday in a committee upon trade was started a complaint that one Captain Kidd was commissioned under the Great Seal of England to go against pyrates at Madagascar etc. That several great men were to have shares with him, amongst whom the pyrates goods were to be divided, whereas by law they are to be restored to the owners. This Kidd turned pyrate as he had been before. It is said the Great Seal and others are concerned in it." Robert Harley to Sir Edward Harley, Dec. 2, 1699 (Hist. MSS. Comm., *Portland MSS.*, III. 612).

² This letter is dated Dec. 2. The writer was James Vernon, principal secretary of state from 1698 to 1702, and father of Admiral Vernon for whom Mount Vernon, Washington's home, was named.

³ Arthur Moore, M. P. for Great Grimsby.

⁴ In this Parliament were Sir James, M. P. for Hindon, and John for Gloucestershire.

⁵ M. P. for Oxford University.

⁶ Note in original: "The King's tenth part of the prize-money obtained by Kidd, when sent out to suppress the pirates, was reserved as in regard to ships of war; the rest was granted to the subscribers, etc."

that had been made, from time to time, by the East India Company, concerning Kidd, and other piracies, which are to be brought on Monday, the committee being then to sit again.

Nothing was said this day on the other side, it being reserved for the bringing in of the papers. (*Letters illustrative of the Reign of William III. from 1696 to 1708. Addressed to the Duke of Shrewsbury, by James Vernon, Esq., II. 371-373.*)⁷

Dec. 4, HC. Mr. Lowndes also, according to order, presented to the House the several papers following; viz.

A copy of the commission from the Commissioners of the Admiralty to Captain Kidd.⁸

A copy of the commission to him under the great seal.⁹

A copy of the warrant for affixing the great seal to Captain Kidd's commission.¹⁰

A copy of the king's warrant for a grant of pirates goods to the Earl of Bellamont, and others.¹¹

A copy of the grant of pirates goods, etc. to the Earl of Bellamont, and others.¹²

A copy of the indenture between his Majesty, of the one part; and the Earl of Bellamont, and others, of the other part.¹³

A copy of the letter from the Lords of the Treasury to the Earl of Bellamont, about sending over the treasure seized in Captain Kidd's ship.¹⁴

⁷ London, 1841; edited by G. P. R. James.

⁸ This was the order, Dec. 10, 1695, of the Commissioners of the Admiralty to Sir Charles Hedges, judge of the High Court of Admiralty, to issue the commission to Kidd. It and the other papers here listed are printed in full in *C. J.*, XIII. 12 *et seq.* His commission for making reprisals against the French, dated Dec. 11, is given in Hargrave, *State Trials*, V. 307.

⁹ His commission for cruising against pirates, Jan. 26, 1695/6. Printed, *ibid.*; *C. J.*, XIII. 12; Ralph D. Paine, *Book of Buried Treasure*, p. 50.

¹⁰ Same date. *C. J.*, XIII. 12.

¹¹ *Ibid.*, p. 13. Dated Apr. 30, 1696.

¹² Apr. 30, 1697, to Bellomont, Edmund Harrison, Samuel Newton, William Rowley, George Watson, and Thomas Reynolds. *Ibid.*

¹³ May 22, 1697, to the same. *Ibid.*, p. 14.

¹⁴ Sept. 7, 1699, and as follows:

"Our very good Lord,

"Understanding that one of his Majesty's Men of War is sent, by order from the Lords Commissioners of the Admiralty here, to bring over Captain Kidd, whom your Lordship hath secured for piracies in prison there; we have no reason to doubt, but that your Lordship's methods about securing all treasure and effects, which are taken and seized as belonging to the said Captain Kidd, or any his accomplices, or other pirates, that shall be sent over in the said ship, from being purloined or embezzled, and sending of the same safe hither, will be effectual: however, we think it our duty, in respect to his Majesty's service, to desire, that your Lordship will please to appoint some fit and proper person to come over with the said treasure and effects; and to have particular care of the same, when on board the said ship; and that there be several Inventories or Schedules made thereof; one of which we desire your Lordship will please to transmit to us by the first conveyance that shall offer; and to give another to the person whom your Lordship shall so think fit to intrust; and a third to the captain of the said man of war; to whom also we desire your Lordship will please to give your instructions, in case the person to be appointed by your Lordship shall, in his passage hither, happen to die. And so we bid you very heartily farewell; and remain,

"Our very good Lord,

"Your Lordship's humble Servants,

CHA. MOUNTAGUE,
J. SMITH,
H. BOYLE."

Ibid., p. 15.

And the same were delivered in at the table, and there read

Mr. Secretary Vernon presented to the House a copy of a letter to the Earl of Bellomont, about seizing of Captain Kidd;¹⁵ and of several other letters relating to that matter;¹⁶ and of several letters and papers received from the Earl of Bellomont;¹⁷ and of a petition of the old East-

¹⁵ Vernon to Bellomont, Nov. 23, 1698. The same to Governors Blakiston of Maryland, Nicholson of Virginia, Day of Bermuda, Grey of Barbados, Beeston of Jamaica; Maj. Wm. Burt, president, and the rest of the council of Nevis; and the governors or deputy governors of Rhode Island, Connecticut, East and West New Jersey, Pennsylvania, Carolina, and the Bahamas, all put under cover to Rear-Admiral Benbow. They were instructed to "take particular care, for apprehending the said Kidd, and his accomplices, whenever he or they shall arrive in any of the said plantations; as likewise, that they secure his ship, and all the effects therein; it being their Excellencies intention, that right be done to those who have been injured and robbed by the said Kidd; and that he, and his associates, be prosecuted with the utmost rigour of the law". *C. J.*, XIII. 16; for replies from Barbados and Nevis, see Jameson, *op. cit.*, p. 195, and Paine, *op. cit.*, pp. 56-57.

¹⁶ Vernon to the secretary of the old East India Co., Nov. 21, 1698, accusing Captain Wright, in command of the *Quedah Merchant*, of surrendering to Kidd without offering resistance, and of sharing in his plunder, therefore to be apprehended unless the company offer objections; copy of an article in the instructions to commanders for reducing pirates in the East Indies; and a copy of a letter from the Lords Justices to Bellomont, Sept. 12, 1699, informing him that a ship would be sent to convey Kidd and the rest of the pirates, together with their treasures and effects, back to England. All printed in full in *C. J.*, XIII. 16-17.

¹⁷ Boston, July 8, 1699, to the Council of Trade, giving account of his capture of Kidd (printed, *ibid.*, pp. 18-19; Jameson, *op. cit.*, pp. 213-218); same to same, July 26, 1699, continuing the account of his proceedings concerning Kidd (*ibid.*, pp. 224-232; Paine, *op. cit.*, pp. 72-80; *C. J.*, XIII. 19-21). Bellomont enclosed with this letter twenty-four "papers and evidences relating to Captain Kid", viz.: 1. French pass of the *Cara*, or *Quedah Merchant*, dated Jan. 14, 1698, at Hugli (Chandernagore), and signed by François Martin, the founder of Pondicherry and of the French empire in India (see Jameson, *op. cit.*, p. 209 n.); 2. Same for the *Rouparelle* (*ibid.*, p. 208 n.); 3. Memorial of Duncan Campbell, Boston, June 19, 1699, with account of particulars related to him by Kidd; 4. Bellomont to Kidd, June 19, 1699, inviting Kidd to come to Boston and assuring him of a pardon if his case were as clear as he or Emot, his agent, presented it to be; 5. Kidd's reply, from Block Island Road, June 24, 1699, affirming his innocence and stating his intention of coming to Boston; 6. Bellomont to John Gardiner, July 8, 1699, directing the latter to deliver "a parcel of gold made up in a box, and some other parcels besides" which Kidd confessed to have left with him; 7. Copy of the examination of Gabriel Loff, of Long Island, one of Kidd's crew, relating to the captures of the *Rouparelle* and the *Quedah Merchant*; 8. Information, dated July 10, of Andreis Hen. Lyne, John Pero, and Jacob Rateez, of the sloop *Mary*, lately come from Curaçao, that they had seen great quantities of East India goods at that place, which were reported to have come from Kidd's ship, that John Ware, master of the ship, was frequently seen there, and that William Whitley, one of the mates from New York, sold ten bales of East India goods to the merchants at that place for 1000 pieces of eight; 9. Account, received July 17, 1699, given by Capt. Nicholas Evertse, that he had seen Kidd at the "Island St. Helena, nigh Hispaniola", where, on June 29, his ship "was almost burnt down" (Jameson, *op. cit.*, p. 218 n.); 10. Examinations of William Jenkins, aged 18, apprentice to the chief mate of the *Adventure Galley*, Richard Barlycorne, aged about 18, apprentice to Kidd, and Robert Lamley, apprentice to the cook of the same vessel; 11. Copy of the narrative of William Cuthbert, late gunner of the ship *Charles the Second*, concerning the desertion of two of Kidd's men at Carwar (*ibid.*, p. 190 n.) and the affair of the *Mocha*; 12. Examination of Samuel Wood, master of the sloop *Antonio* (*San Antonio*), concerning the sale of the vessel to Kidd and its subsequent movements (*ibid.*, pp. 245-247); 13. Examination of Thomas Way, mariner of Boston, concerning the disposition of goods put in his canoe by Kidd; 14. Deposition of Robert Livingston that Kidd informed him at Boston that he had aboard his sloop 40 bales of goods, some sugar, and about 80 pound weight in plate, that he had secured on Gardiner's Island, 40 pound weight in gold, that he had given Duncan Campbell 100 pieces of eight and a negro boy, and to Livingston another boy; 15. Copy of the examination of Edward Davis, mariner of London, confirming the landing of several chests at Gardiner's Island

India Company, presented and read the 21st of September 1699.:¹⁸ and the same were delivered in at the table:

And the titles thereof read

Mr. Blathwait presented to the House an abstract of representations made by merchants and others, in the years 1697. and 1698. relating to piracies in the East-Indies:¹⁹

And an account of what Captain Kidd has done abroad, according to the informations received by the Commissioners for Trade and Plantations, from the Earl of Bellomont, and otherwise; and what has been done thereupon.²⁰

And the same were delivered in at the clerk's table.

And the titles thereof read. . . .

Ordered, that the consideration of the papers this day delivered in at the table, be referred to the committee of the whole House, who are to consider further of the state and condition of the trade of England.

(*ibid.*, p. 257 n.); 16. Affidavits of Duncan Campbell and his wife, July 12, 1699, that Kidd had given them "Two speckled Handkerchiefs, about $\frac{3}{4}$ ths of a Pound of Tea", four pieces of gold in exchange for a wig, between 90 and 100 pieces of eight, four half-pieces of muslin, a gold chain, calico, a negro boy, five Holland cheeses, a cane and 10 lbs. of sugar candy for their son, and "Two or Three Pieces of Arabian Gold to drink with some Gentlemen in Boston"; that he had sent by Campbell to the Countess of Bellomont "an enamelled gilt Box, with Four Sparks or Stones therein set in Gold, one loose, and a Stone-Ring", valued at £55, and "a green Silk Bag, sewed up, of about Four or Five Pound Weight of Bar-Gold", which latter was refused; and that he presented one Hulin of Rhode Island with calicoes, muslin, and sugar, and Mr. Meinzes with eight or nine pieces of Arabian gold; 17. Examination at Boston, July 10, 1699, of Hugh Parrott, of Plymouth, England, who had joined Kidd at Johanna and was tried and condemned with him (*ibid.*, p. 221); 18. Account of Kidd's property taken by the authorities from his box and chest, from Campbell, the sloop *Antonio*, and from Gardiner, the whole amounting to 1111 Troy ounces of gold, 2353 ounces of silver, 17 $\frac{3}{8}$ ounces of jewels or precious stones, 57 bags of sugar, 41 bales of merchandise, and 17 pieces of canvas (*ibid.*, p. 216 n.); 19. Copy of the narrative of John Gardiner of Gardiner's Island, alias Isle of Wight, showing his relations with Kidd; 20. Inventory of the *Antonio*, together with its stores and provisions, all valued at £268; 21. Copy of Kidd's note of goods left with Gardiner; 22. Copy of Kidd's narrative of his voyage from London to the East Indies; 23. Copy of the examination of Kidd, Boston, July 3, 1699; 24. Depositions of Abel Owen, cook of the *Adventure Galley*, and Samuel Arris, steward. The full text of all these papers is given in *C. J.*, XIII. 18-34; photographic facsimiles of nos. 1, 15, 18, 21, are reproduced in Paine, *op. cit.*, pp. 104, 93, 82, 68, respectively, which also prints nos. 4, 5, 6, 14, 19, 22, pp. 62-63, 64, 82-83, 86-87, 66-69, 105-113; nos. 3, 19, 22 are to be found in Jameson, *op. cit.*, pp. 202-205, 220-223, 205-213; no. 3 is also printed in Cornelius Dalton, *The Real Captain Kidd*, pp. 315-321; and no. 18 in C. C. Gardiner, *Lion Gardiner and his Descendants*, pp. 84-85.

¹⁸ Giving account of the depredations made by the pirates in the Indian seas, as shown by an enclosed narrative of Capt. Thomas South of the *Chamber* frigate and by extracts from letters to the company from their officers at Surat and Bombay; and praying for orders to the governors of the West India plantations for seizing the pirates' ships (*C. J.*, XIII. 17-18). South was himself tried for piracy in Oct., 1717, but was acquitted. Jameson, *op. cit.*, p. 303.

¹⁹ *C. J.*, XIII. 34-35.

²⁰ The account relates that in reply to information received from the East India Co., Aug., 1698, letters were sent to all American plantations directing the seizure of Kidd and other pirates (*ante*, note 15); that in May, 1699, advice was sent from Nevis of Kidd's presence at Anguilla (printed in Jameson, *op. cit.*, pp. 195-196), and that later information concerning him came from Peter Smith, a Dutch inhabitant of the island of St. Thomas; that Robert Quarry, admiralty judge in Pennsylvania, next wrote concerning his presence in Delaware Bay (Paine, *op. cit.*, pp. 94-96); Kidd's subsequent movements and arrest are then traced from the information sent by Bellomont (*ante*, note 17). *C. J.*, XIII. 35-36.

Resolved, that this House will, upon Wednesday morning next, resolve itself into a committee of the whole House, to consider further of the state and condition of the trade of England. (C. J., XIII. 11-12, 15, 34, 36.)

[Dec. 4], HC. . . . This was said while the House was in their angry debate upon the papers Mr. Lownds brought in, which were Kidd's commission, with your Grace's warrant for affixing the seal, as also the grant to Lord Bellamont, and others, of what Kidd should take, and the indenture with the king about the tenths. I likewise brought some papers, which were the order for seizing Kidd and his effects as soon as the notice came of his turning pirate, and the account of what my Lord Bellamont had done in pursuance of those orders, and also what directions had been given for bringing home Kidd, upon receiving the advice that he was secured. These papers were with difficulty received, since they had a mind to pass their censure only on the grant that was previous to all this. Mr. Howe²¹ endeavoured to make a warming speech, and concluded with a motion, that the grant should be declared illegal; which Mr. Harley²² put more into form, that the grant was illegal and prejudicial to the trade of the kingdom; which Musgrave and Seymour²³ spoke to; but Mr. Montague, Mr. Smith, Mr. Boyle, and Mr. Cowper,²⁴ with others, opposed it, saying they could not be ripe for any question till they had looked through all the papers, and seen the whole state of the facts, the end as well as the beginning; and when the other side saw there was no withstanding it, they gave way, without a division, that the papers should be referred to a committee of the whole House, and the committee is to meet on Wednesday. Some moved that the persons named in the grant should be sent for, to know whether they were trustees or not; but were told it was unnecessary, for the persons concerned would own their names, which will be done to-morrow. If they could, they would lay the sole blame of the grant on my Lord Chancellor;²⁵ and by yesterday's disappointment I hope it is more than they can do, but they will drive it furiously. (James, *Letters . . . of the Reign of William III.*, II. 375-376.)²⁶

Dec. 5, HC. Sir George Rook also, from the Commissioners of the Admiralty, according to order, presented to the House a copy of the petition of the East-India Company:

And a copy of the minutes taken at the Admiralty-Board upon the said petition; and also,

A copy of Sir Charles Hedges' report upon the petition of the East-India Company, relating to the commissions to take pirates, etc.

²¹ Note 4, *ante*.

²² Edward, Robert, or Thomas. Robert was elected Speaker of the next House.

²³ Sir Edward Seymour participated in the debate of Dec. 5. There was one representing Exeter, another was M. P. for Totnes. For Musgrave see *ante*, note 5.

²⁴ There were eight of the name Montague in its various forms sitting in this Parliament; John Smith was M. P. for Andover; Henry Boyle for Cambridge University; William and Sir William Cowper represented Hertford.

²⁵ Lord Somers who with Orford was impeached, this contract with Kidd forming the substance of one article (*post*, p. 407).

²⁶ Vernon to Shrewbury, Dec. 5.

And the titles thereof were read.²⁷

Ordered, that the consideration of the said petition, minutes, and report, be referred to the committee of the whole House, who are to consider further of the state and condition of the trade of England. (*C. J.*, XIII. 36-37.)

Dec. 5, 1696. Mr. Secretary Vernon, according to order, presented to the House the petition of the East-India Company to the Lords Justices: and

An extract out of the Lords Justices minute-book: and

A copy of a letter from the Privy-Council to the governors of the plantations, for apprehending of pirates, and suppressing piracy.

And the titles thereof were read.²⁸

Ordered, that the consideration of the said petition, and extract, and letter, be referred to the committee of the whole House, who are to consider further of the state and condition of the trade of England. (*Ibid.*, pp. 38-39.)

*Dec. 6, 1696.*²⁹ Question moved and seconded was

That the letters patents granted to the Earle of Bellamont and others of pirates goods are dishonourable to the king, against the law of nations, contrary to the laws and statutes of this realm, invasive of property, and destructive of trade and commerce

*Colonel Granville:*³⁰ The question before you is on the validity in point of law of the letters patents granted to the Lord Bellamont and others of pirates goods. As for the consequents suggested in the question, I'll not trouble you nor my self about them; but since I am to speak to the law part of the question you must give me leave to begin a little higher than the learned gentleman who first spoke to this matter since he took his rise but from the act of the 28. H 8.³¹

The patent being charged to have passed through my hands, as in truth it did, I must freely own that I thought the king might grant pirates goods in the manner in this patent granted, and that I never made any doubt within myself of the same, but since it now comes to be questioned pray

²⁷ The texts are here printed. The petition, dated Mar. 2, 1696/7, praying that the company's ships and officers may be impowered to seize all pirates infesting the seas within the limits of its charter, was referred by the Admiralty to Sir Charles Hedges, judge of the Admiralty, who proposed the erection of a vice-admiralty court at Bombay with power to proceed against the pirates taken by the company.

²⁸ The texts are given. The petition of the East India Co., Aug. 20, 1696, protested against the pardoning of Henry Every or any of the pirates, and asked that the money found in the hands of the pirates be put in the company's hands for restitution to the owners. Accordingly, the Privy Council, Aug. 27, in a letter to the plantation governors recites the facts about Every, encloses a copy of the proclamation ordering his capture, and directs them to apprehend all pirates, to seize their ships and plunder, and to make account thereof to the Council. *Acts P. C. Col.*, II. 299-302.

²⁹ Committee of the whole to consider further the state and condition of the trade. *C. J.*, XIII. 39.

³⁰ Colonel Sir Bevill Granville was M. P. for Fowey, John Granville for Newport. The former was later governor of Barbados.

³¹ C. 15, for punishment of pirates and robbers of the sea (*Statutes*, III, 671). The first speaker was Sir Bartholomew Shower, M. P. for Exeter, an eminent lawyer (*post*, pp. 322, 325, 334). The context of the remainder of this speech, here attributed to Granville, would seem to indicate that Hawles continued the argument from this point. See note 89, *post*.

give me leave to tell you the reasons why I thought the matter so very cleare. First I thought that all pirates as well as felons goods were forfeited to the king. The difference was only this the one sort of the offenders were robbers by land and the other were robbers on the seas, and both the pests of all governments; and if I may guesse at the reason why the king had the goods of both; I think it was to reimburse the charges the king should be at in suppressing them.

That the goods of felons have been [taken] and frequently granted I believe [no one can] deny there are very few lords of manors who do not claim by such grants the goods of felons taken in their manors, and whatever arguments may have been or shall be made use of to prove the grant of pirates goods illegal do and will prove the grant of felons goods claimed by such lords of mannors by the same reasons illegal. But that will be more properly observed when I come to answer the objections made to this [grant] and the reason of all those grants was that the lords of mannors being persons of greater power within their precincts than other persons, they were better qualified to suppress those pests of all government than other persons: and to make it their interest as well as their duty so to do; and to repay their charge; and to reward their industry in doing it the king granted the goods of all such offenders. And the grants of pirates goods have not been so frequently made as of felons goods; because the parts of the sea could not be canton'd out as those of the land; yet I'll be bold to say that the grants of pirates goods have been as ancient as those of felons.

There is one thing the gentleman that spoke first conceded which I intended to have spoke to, that is, that a caption of goods by a pirate do's not alter the property of them, a matter which will be of use in what I have to say. But as that matter is agreed I'll not trouble you any more to it.

Although it hath not been objected there never was a grant of pirates [goods] as yet since I have heard that that [was?] said on the first debate of this matter and for ought I know may be objected again; give me leave to mention some few grants of this kind I have found in the little time I have had to search for them which was but only since Saturday night last, for that was the first time I ever heard this or any patent of this kind was questioned, as to the legality of it. And since the latest precedents are of better authority than those of elder times I searched upwards and found that

In King Charles the Second's time there were two grants of pirates goods made to the Duke of York: the first in the 12th year of his reign, when that duke was created Lord Admiral; and having forfeited that office, by not taking the test, he was a second time created Lord Admiral and a new grant of pirates goods was made to him.³²

In King Charles the First's time there was at least two grants of pirates goods: the first to the Duke of Bucks,³³ the last to the Earl of Northumberland.³⁴

³² Vol. I. of this series, p. 421; and see Jameson, *Privateering and Piracy*, p. 143 n.

³³ George Villiers, first duke of Buckingham. All these mentioned as having received grants were admirals or commanders of fleets.

³⁴ Sir Algernon Percy, tenth earl.

In King James the firsts time there were two grants of pirates goods; the first to the Earl of Nottingham³⁵ the last to the Duke of Bucks.³⁶

In Queen Elizabeths time there were several grants of pirates goods: the first to the Lord Clinton,³⁷ another to the Earl of Warwick,³⁸ and the last to the Lord Howard.³⁹

In Queen Marys time there was a grant of pirates goods to the Lord Clinton.⁴⁰

In King Edward the Sixths time there was a grant of pirates goods to the Earl of Warwick.⁴¹

In Henry the eight's time there was a grant of pirates goods to the Lord Viscount Lisle⁴² and before him to S'r [John] Russel; and the reason why I do not go higher than H. 8. was that I had no time [and] not that there are wanting footsteps [of] this kind made before that time for [blank] by our year books which end the beginning [of] H. 8. in which there are frequent mention of pirates goods, that such grants were [made by] H. 8. tho it is not said in the cases to [whom they] were made.

The next thing I would consider is the legality of those grants; and as to that I'll only say what has been sometimes used as an argument in Westminster Hall;⁴³ and I think may be made use of here; because it is of some weight, which is this, that it is very true that there have been frequent questions made in courts of law concerning the grants of pirates goods as to the extents of them and other incidental matters; that yet neither counsel, partys pl[aintiffs], defend'ts or judges ever made doubt whether [any] grant of pirates goods as to the subject [blank?] of it was good in point of law or not. It must be agreed that it was the duty [of] judges in all those cases to have taken notice [of it] for the advantage of the plaintiff or defendant wh[oever] or their counsel had first moved it or [blank] though a judge is not bound *ex officio* [to take] notice of a matter of fact unless it be [presented] to him by a verdict or other proper method, yet he is bound *ex officio* to take notice of [a matter] of law tho not urged to him for the a[dvantage] of either party contesting before him. [Though] there be many cases to this purpose I could quote yet I'll trouble you but with one it is a [case of] 12 reports in the 8th year of King James [reign]⁴⁴ which was referred by the King in [Council] to cheife justices and the chief barons to consider whether the goods of a person taken by a pirate [ship] and brought on land belonged to the admiral or to the person robbed who claimed, and proved his right to the same, the grant in the admirals patent was not only by the words *bona pyratarum* but likewise *bona depredata* which last words were certainly inserted in the patent to pass the goods taken by pirates, and were never

³⁵ Charles Howard, second baron Howard of Effingham and first earl of Nottingham of the sixth creation.

³⁶ George Villiers, first duke of Buckingham.

³⁷ Edward Fiennes de Clinton, ninth baron Clinton and first earl of Lincoln.

³⁸ Robert Rich, second earl, who had been president of the Council for New England.

³⁹ *Ante*, note 35.

⁴⁰ *Ante*, note 37.

⁴¹ John Dudley, afterward duke of Northumberland.

⁴² Probably the same Dudley.

⁴³ Where various courts were held.

⁴⁴ Coke, *Reports*, pt. XII., p. 73.

inserted in any patent granted before or since that time that I have seen, in that case the judges allowed the grant of *bona pyratarum* to be good but the grant of *bona depredata* to be void but yet they agreed that if goods taken by pirates were in the pirates possession, or, to speak more properly in their keeping, and none in a competent time came to claim them, and the same were *peritura*⁴⁵ the king might dispose of them, but should make satisfaction to the first owner, if he afterwards appeared and made out his right; which, I think is neither more nor less than what every lord of a manor claiming felons goods practices at this day. He seizeth all the goods in the felons possession or keeping as the felons goods, but makes restitution or satisfaction to the right owner when he claims the same: for the last possessor as well of goods as of lands is the rightfull owner till a better right is made appear. But the use I make of this case is only this: if it had been clear, that a grant of pirates goods was not legal; why did not those three leardned [*sic*] judges certifie the king that the grant of *bona pyratarum* as well as *bona depredata* was contrary to law and therefore void? But since they did not, there is reason to infer that those judges thought otherwise of grants of this nature at that time than some persons do, or at least pretend to do at this time.

This one objection, which the learned gentleman who spake first seems to make the re[ason clear why] he did not possitively affirm it which is [because] 28 of H 8. created the forfeiture of [goods] and if that was true, it was to no purpose [to make] grants of pirates goods before that time. [Nothing] is more certain than that the forfeiture of [pirates'] goods was as ancient as that of felons goods [and] subject to the same rules, all the alterations [the] statute made was this, that whereas before [the act] pirates were only triable in the Admiralty [Court] by the rules of the civil law; by that statute [they] were triable by the methods of the common law [before] judges for that purpose commissioned and that [it] only created another jurisdiction and another [method] of the trial; but did not take away the [right?] of the Admiralty; or that method of tryal for [blank] no person will say, but that, notwithstanding [the] statute a pirate may be at this day tried in the [Admiralty] in the same manner as he might have been [before] that statute:⁴⁶ and that statute, being nicely pe [blank] not enacting that piracy should be felony on [blank] crime known in our law, it was necessary to [state] the punishment of a person by that method convicted of piracy; which it doth by saying he shall suffer death as a felon; but not saying his blood shall be attainted; as my Lord Coke observes; his blood is not corrupted; and for the same reason it was necessary to add he shall forfeit his lands and goods

⁴⁵ Perishable. Above, *bona pyratarum*, pirates' goods; *bona depredata*, plundered goods.

⁴⁶ By this statute of 28 Henry VIII. c. 15, all offences committed at sea were to be tried according to the common law, under the king's commission directed to the admiral and others within the realm. Offenders were to be tried and punished by those who were thus given commission, with the aid of a jury, in any shire, in the same manner as for offences committed upon land. The penalties provided for forfeiture of life and estate as well as of the right of benefit of clergy (*Statutes*, III. 671). "But this statute did not extend to the plantations, and until the passage of the act of 11 and 12 William III. c. 7 (1700), commissioners for the trial of piracy in the colonies were usually appointed by governors in their capacity as vice-admirals, and proceeded under the civil (Roman) law, not the statute." Jameson, *op. cit.*, pp. 143 n.-144 n.

for otherwise he should have forfeited neither and without those words, a man convicted of piracy in the Admiralty Court should have lost his life and forfeited his goods and chattles; but a man convicted upon that statute should have only lost his life, but forfeited nothing [and all?] that justly can be inferred from that statute as [new?] is only this; that that statute created the f[orfeiture] [blank] forfeiture of the goods of a pirate [blank] the method prescribed by that statute [does?] not create the forfeiture of the goods of those [blank] of offenders.

The next thing to be considered is the difference between the grants of pirates goods above mentioned and the grant in question. The grant in question is of the goods of the persons named in the patent; and branded as pirates; and of all others which shall be or had been taken since the 30th of April 1697 by Captain Kidd or other commander of the *Adventure Galley* or which by or by means of the said galley had been taken or forced ashore since the said 30th of April or should be taken or forced on shore in any of his Majestys plantation in America or other his Majesty's dominions as far as the said premises or any of them, did, should, or might, belong to his Majesty or might be grantable by him. To have and to hold the premises, or such, or so many of them, as were or might be grantable by his Majesty to the Earle of Bellomont etc. The difference between this grant and the other grants will best appear by seeing how narrow the restrictions of this grant makes the extent of it. First it is only the goods of the persons named; and other pirates taken by Kidd, or other commander of the *Adventure Galley*; or forced ashore by the *Adventure Galley*: so that if the persons named or other pirates were not taken or forced ashore by Kidd or other commander, nothing was granted. Next it must be by Kidd as commander of this galley; for if Kidd as commander of any other ship or galley, took, or forced ashore those or any other pirates, nothing passed by this grant. [Besides] the said persons as pirates must be forced on shore [in] the kings plantations or some other his Majestys dominions, where the pirates might probably be taken else nothing passed. In the last place this grant is only of goods taken on or with the pirates. So that the goods [taken by] pirates in any other place than in the ship taken or forced ashore did not pass by [the grant] by the patent mentioned the goods [that were] taken by any person whatsoever at the [blank] were not taken or forced ashore and where [blank] goods were granted to the patentees [blank] Grants therefore which were of so large [blank] were good in point of law certainly this [blank] restrained is a *fortiore*. I'll add nothing [blank] to enforce the legality of this grant but an[swer the] objections which have been made against [it] because I would willingly speak to every [objection] which have been urged against this, [grant] me leave to take notice of what said mo[stly?] on this subject.

First a gentleman ⁴⁷ made a difference between [a grant] which might be good in strictness of law [and yet] be parliamentary void; for so he was pleased to express [it]. If I understand that gentleman a [right] that a grant might in strictness of law be good yet, for its inconvenience, by an

⁴⁷ In the margin, "Mr. How". *Ante*, note 4.

act of the legislature might, and ought to be set aside. I'll make no answer to this matter 'till I have mentioned what another gentleman ⁴⁸ said that if this [grant] was illegal it was high time to put an end [to it]. If I understand these two gentlemen they think that this grant (be it legal or illegal) hath a continuance to this day; whereas, in truth, this grant determined above a year ago: this ship or galley being sunk above a year ago; as you were just [informed] by an honourable gentleman at the bar; and [the grant] being restrained to the goods of pirates to [be] forced ashore by the commander of this ship, when the ship was sunk the commandership ceased and consequently there was a period put to [the grant] and so no occasion to make use of [any] power to suppress this patent, or to trouble the House or this committee in this matter. It was then likewise objected; that this grant hindered the king from making an effectual grant for suppressing pirates. But the gentleman who made this objection did not consider the restrictions of this grant. It is true, a general grant of all pirates goods might have that inconvenience, for the patentee might sit still and do nothing towards the ends of the patent or might agree with the pirates not to molest them; and the king could not grant the goods of pirates to any other person though taken by such other person, but this grant being of goods of pirates taken by the commander of this galley, the king might have made five hundred grants to other persons of goods of pirates taken by such other persons respectively. The last objection made that day was; that this is contrary to an act of Parliament made this reign for the disposition of prize goods. If I take the gentleman aright he means the act for encouraging privateers.⁴⁹ Now nothing is more different than the goods of pirates or goods taken by pirates and prize goods. The first are the goods of a robber or taken by a robber from an honest man; and the last are goods taken by or from an enemy in open war. But to answer this objection to that gentlemans satisfaction it must be observed that though the property of goods taken by a pirate and quiett possession of them for never so long a time will not alter the property of them so as to devest it out of the right owner, yet a caption by an enemy which is always of prize goods and possession till sunset doth alter the property of them, by our law; and I believe by the laws of most governments, insomuch that if the late war, with the French king, a Frenchman had taken goods from an Englishman one day and another Englishman had retaken [them] next day, the last captor should have [them] which law was founded on great reason [for, since] the first owner had lost his goods it [mattered not] to him who had the benefit of them h[e] was neither richer or poorer whether a [friend or] enemy had them; but it was not so to the [first captor] for the publick was equally rich if the goods [went to] the first owners or the last captors and tha[t] law gave them to the last captor, for what could encourage him to be at the charge or [for] the hazard of retaking them but the profit [to him] when retaken. But the makers of the above [law] thought the reward too much and therefore that statute gives the last [captor] an eighth part of the goods—the

⁴⁸ Musgrave's name is in the margin. *Ante*, p. 311.

⁴⁹ 4 Gul. et Mar. c. 25 (*Statutes*, VI. 419).

same t[hen having] been in the enemies possession 24 hours [and if] above 24 hours, and under 48. a fifth part thereof and if above 48 hours and under [96, a third] part thereof and if above 96 hours a [moiety] thereof.⁵⁰ But it is plain that statute exte[nds] [not] to goods of pirates or taken by pirates for [in such] cases the property of the first owner was not [changed] by any length of possession and so not wi[thin the] mischief provided for by that act and [therefore] to bring the owner of goods taken by a pirate [ship] within the provision of that acts [sic] puts him [in a worse] condition than he was before for before th[ough he] should have his goods retaken from a pirate [he need not give] any proemium but such owner be with[in this act] he must give a proemium to the recaptor according to the proportion before mentioned. The[se were] all the objections that were made on Monday [blank] day there were a great many objections [made by the] gentleman who spoke first: ⁵¹ I wish he ha[d answered] two or three for your sakes because [it will take] more of your time than I will[ingly w]⁵²ould to answer them, for if I should omit to speak to any, it may be, at least, suspected that I did it because I could not answer them. And first the gentleman objected against the consideration of the patent and the wording of it, viz: Whereas the ship *Adventure Galley* was, with our knowledge and royal encouragement, bought and fitted out to sea for the purposes aforesaid etc., which being so particularly expressed says, the gentleman, it would be ill manners to contradict the king; and so it takes off one way of avoiding this patent; if it was not true, I would have been very glad that that gentleman had told you for whose advantage the consideration of the grant is expressed in the patent, is it not always for the kings advantage, and never for the patentees. A grant from the king is equally valid be it a free gift or a purchase, and therefore the patentee hath no reason to have any consideration expressed in it; and if there was a consideration and the king was deceived in the consideration, and it is not expressed in the patent the king cannot avoid his grant; but if it be expressed in the patent and it be not true; or if otherwise, the king is deceived in the consideration, the king may avoid his patent and therefore in all patents that ever I passed where the warrent expresses no consideration I never insert any in the bill although I have authority so to do when I am satisfied of the truth of it by virtue of the clause in the warrant for this patent and in all warrants for bills viz. ["And you are further to insert in the said Bill all such apt and beneficial Clauses as you shall judge proper and requisite to render our said Grant unto them more effectual."] But of the other side wheresoever the warrant [recites]⁵² a consideration I always [insert it in the] bill in the words of the warrant for [blank] may, and I think he intends to avoid [blank] if he is deceived in the consideration [I?] always insert it in the words of the warrant for fear of adding more than what is [in the] warrant which would be an injury to the [patentee] or of inserting lesse which would be an injury [to] the king, and this is the reason why

⁵⁰ Section 20 (*ibid.*, p. 423). See Jameson, *op. cit.*, p. 442, where the changing history of judicial doctrine respecting recapture is traced.

⁵¹ In margin the name of Shower (M. P. for Exeter).

⁵² The manuscript notes that this enclosure was "on a bit broke off".

the [consideration] was so expressed in the bill as you will see [if you] will have recourse to the warrant a copy [of which] lies on your table. Another objection [which was] made to the wording of the consideration [was that] the Solicitor or Attorney General (for upon [blank] in this debate which have been very often [blank] been pleased to place the Solicitor before [blank] Attorney General as being first in his uni [blank] beleave) who drew this bill was very familiar with his Majesty in so wording the consideration in that manner. I must confess I cannot [answer] this objection because I do not understand it but must leave it to be answered by some [other] person who doth understand it if any do. [The] next objection that was made was, that the [bill] not only grants the goods of pirates but [also] other mens goods if taken which shall be taken or with the pirates; and the qualifying words *viz.* ["as for as the said premises or any of them shall or may belong to us or may be granted or grantable by us["]] will not aid this patent those words are void, and are no more than [the] law implies; for the kings grant cannot extend further than by law he may grant, and by law he cannot grant another mans goods and [consequently] those words are to be rejected. Now [it may be held] that this is a strange way of argueing [in one br]eath to say the grant is void because the king grants another mans goods which the king had no right to grant, and to say that the grant doth not affect such other mens goods. But, says the gentleman the king intended to grant other mens goods for the words comprehends them, for they are not only of goods of pirates taken on or with the pirates but of all goods taken with or on them. It is plain by the words the gentleman would reject the king never so intended. And I think it is plain by the gentlemans own confession, that the patent neither doth nor ever intended to grant any goods but what the king had a right to grant. I believe no gentleman who sits within these walls would be content to have the patent by which he claims his estate (for all estates are held under some patent) judged by the rules that gentleman would have this, to throw a clause out of the patent which makes it legal and then say the whole patent is illegal, and if any thing is, surely this is *viperina expositio quae corrumpit textum*.⁵³ To say truth, I believe the reason why the warrant was so penned, was because it might be doubted whether the grant of pirates goods would have passed goods taken on them, which had been before taken by piracy, though the owners were not known. Yet we know grantees of felons goods do seize and possess stolen goods taken on felons where the owners are not known. The gentleman says it would be of dangerous consequence if this House having taken notice of this patent should not proceed to censure it. I say it would be of no ill consequence, but of the other side it would be an act of the highest injustice, if the House having taken notice of this grant upon the suggestions of some who are mistaken in matters of fact [as well as of] law; should notwithstanding they [knew] of such mistakes proceed to censure this [patent] as illegal. The next thing is that the go[ods should not be] granted before the pirates are convicted [and?] for this he quotes

⁵³ Literally, "A vicious interpretation which corrupts the text". Cf., *Viperina est expositio quae corrodit viscera textus* (Coke, Reports, pt. XI., p. 34).

the grant of a fine [*blank*] sett and of forfeitures on penal laws [but?] those cases do not come up to this yet [*blank*] knows that fines have been granted [*blank*] and are so enjoyed by the City of London [and by] the Dean and Chapter of Westminster and [others] and the same objection may be made [in the case] of felons goods which is always before any [trial] though the forfeiture doth not accrue [until after] conviction. It was objected that if this [patent] should be good the patentees would have [the right] to compound or remit the forfeitures g[ranted]. May not the same objection be made [in the case of] grant of fines and of felons goods. [It is] objected this was not a prudent grant it [having] been made to the merchants trading to those [parts] for it would have been more their interest [and gain] to have suppressed these pirates. What hindred the king from making a like grant to any man who would have it. It was objected that the [patent] granted to Kidd was by the king and no[t by the] Lords of the Admiralty. That is no objection to the patent though it might be to the commission. But who doubts, but that the king though he [may give] a power to the Lords of the Admiralty, if he hath given them that power which I [know] whether he may if he pleases grant such commission [under] his great seal. Another objection [to the patent] was that this grant takes place before [the date] of the patent *viz.* from the 30th of April 1697 [but this] is no objection to the patent, for if the king had power to grant the goods which should be taken from pirates he had power to grant what had been taken from them any time before if he did not interfere with any precedent patent as in this case it did not. But the reason of this patents retrospect was this: the ship was actually in the service before the patent passed, and when no commencement is mentioned in the warrant for the bill, if it be the grant of a matter of profit running on there, it hath been always used to make it to commence from the date of the warrant and in this case you will find the warrant to be dated the 30th of April 1697 which was the reason of the retrospect. Another objection was who shall judge whether the goods taken on or with the pirates were their own or other persons. It is a strange objection, and fit to be answered by another question; who shall judge whether the goods I possess are my own or other mens? The last objection was against the clause in the patent whereby all the kings officers and governors of colonys and plantations are commanded to be aiding to Kidd in taking pirates and their ships; and in bringing them to justice and whereby Kidd and all others are commanded to deliver the ships and effects of such pirates to the patentees for [the use of those] gentlemen, very ill use may be [made of this] power. Certainly this is no new [practice but] is ordinarily in warrants for the exercising [of] justice in criminal matters and if th[is order] is not inserted in such warrants yet it is the duty not only of every officer but of every private person: and to say an ill use may be made of it, is no more than what may be said of all powers. A constable may break open an house, where he hath information thieves or other felons are harboured; yet upon pretence of that power houses and persons may be, and have been robbed, when thieves have taken on them to represent a constable and his watch. This is all that was objected by that gentleman that spoke first that I remember, and as for what was said by the

gentleman who spake after of this side and seconded the question, I, being behind him and a[t a] distance I could not well hear him; therefore I must leave him to be answered by some other gentlemen who heard him better than I. At present I'll trouble you no more [in this] matter and beg your pardon for taking up so much of your time, but I desire this favour and hope I may expect this instance of [it] if I have omitted to speak to any thing that has been or shall be materialy said; and shall not be answered by some other gentleman [that you] give me leave to be he[ard to such]⁵⁴ new matters. I know by the orders of this committee every gentleman which speakes to a question ought to conclude to it in the negative or affirmative, but I will not follow that method, for I am not so vain as to think my negative will influence any gentleman since it is plain how much I am concerned in the consequence of the question; and on the other side, I am a man of more truth than to say what I do not think, which I would be guilty of if I should give my affirmative to the question. I'll not give my negative to the question, because it tends to justifie myself; nor will I give my affirmative to the question, because my judgement is against every article of it

The objections against the grant, because it granted the goods of particular persons named in the patent as also what were drawn from the persons for whose benefit the patent was granted were made afterwards; and were answered by other gentlemen.

*S'r. B. Shower:*⁵⁵ This grant the first of the kind. Suggestion of the kings knowledge that the ship was fitted out at the charge of the Earl of Bellamont and others; a high presumption in him that prepared the grant, for the king not supposed to know; and for any one to dispute that fact, tho false, unmannerly.

This a grant of particular persons goods before conviction, and that against the common law and bill of rights.

All pirates goods taken in any part of the world by the *Adventure Galley*, are granted away.

All goods taken with these pirates tho they may be challanged by the right owners granted away which cannot be done for piracy changeth no property.

This made easy and coloured indeed by the clause; ["as far as in us lies"]. Suppose a grant of the manor of Dumbleton, as far as in us lies

Who is to judge of pirates? Capt'n. Kidd?

The restraining words add nothing.

Motion. That the letters patents are dishonourable to the king; against the law of nations; contrary to the laws and statutes of this realm; invasive of property; and destructive of trade and commerce.

*Mr. How:*⁵⁶ All the grants concerned in the success of this question. Two millions at stake. Grotius says properly, not changed by piracy. This grant contrary to the statute of 27. E. 3.⁵⁷ words "as far as in us lies"

⁵⁴ See note 52, *ante*.

⁵⁵ Note 51, *ante*.

⁵⁶ Note 4, *ante*.

⁵⁷ It is difficult to give the reference here with any certainty, since 27 Edw. III. st. 2, cc. 1-28, are all concerned with merchants, their goods, their protection, etc.; but probably c. 8 (*post*, note 72).

hint at a power of granting away the merchants goods and so are extensive and not restrictive. If the grantees begged only the goods of the pirates themselves they begged frivolously and ridiculously. No doubt their aim was at the merchants goods taken by pirates.

If the procurers of this grant were [*blank*] willing to have it so declared but believe otherwise—therefore second the motion.

*Mr Secretary:*⁵⁸ Gave an account of the complaints of pirates to the government.

Kidd recommended by Livingston⁵⁹ to Ld. Bellamont was thought he might be trusted.

Lord Bellamont applied himself to Ld. Chancellor,⁶⁰ Duke of Shrewsbury,⁶¹ Lord Romney, and Lord Orford, and undertook to procure Sr. Edmund Harrison to take care of the design.

Grant passed almost two years after commission and no application of East India Company till a few months before the grant.

Kidd knew not where to go after pirates—at last was trappanned by Lord Bellomont—as Lord Bellamont trappanned by him.

After he was seized, his goods seized—all inventoried and deposited in safe hands by order of council of New York.⁶²

*Mr. Harcourt:*⁶³ Those great persons names ought not to have been mentioned; but shall we be gagged by great names?

This grant of goods of certain pirates by name before conviction illegal but if it be said what regard is there to be had to those pirates? None at all. But in the example and precedent of it may be of ill consequence to other persons that are innocent, and may have prosecutions against them for the sake of their estates if may be granted before conviction

The clause “as far as in us lies” a vain and idle clause, only to gild over this illegal grant.

The king may grant away a monopoly or grant away the sovereignty of the seas, or any thing else, that is against law, and say, *Quantum in nobis*.

Concluded for the question.

*Mr. Cowper:*⁶⁴ Ld. Bellamont turned out of a good livelyhood when he did not know where to have another; for voting according to his conscience.

The present debate makes him think less of greatness that can be shaken by so slender a pretence.

Hath nothing mercenary about him. . . .⁶⁵ lef[t] the court when they were for armies.

⁵⁸ James Vernon; *ante*, p. 311, note 2.

⁵⁹ Robert Livingston, first proprietor of Livingston Manor, New York, member of the council there, and secretary for Indian affairs, who arranged with Bellomont and others, in London, 1695, for Kidd's privateering enterprise. The agreement between Bellomont, Livingston, and Kidd is printed in *N. Y. Col. Docs.*, IV. 762-765.

⁶⁰ *Ante*, p. 315, note 25.

⁶¹ Secretary of state. Romney was master-general of the ordnance; Orford (Sir Edward Russell), first lord of the Admiralty.

⁶² Aug. 9, 1699. *N. Y. St. Lib., Cal. of Council Minutes*, 1668-1785, p. 141.

⁶³ Simon Harcourt, afterwards first Viscount Harcourt, M. P. for Abingdon. In 1701 he directed the impeachment of Lord Somers and was later solicitor general, attorney general, and lord chancellor.

⁶⁴ William and Sir William Cowper represented Hertford.

⁶⁵ A long stroke of the pen in the original.

Histories and experience of former times shew more people or nations have lost their liberty by straining things too high that way than by the meanest adulation.

Question, who may take, and destroy a pirate

Any one, tho not commissioned by the prince and may hang him at the yard arm, says the booke *de jure maritime et navali*,⁶⁶ such a one gains a property for himself but if commissioned then for the prince. This grant passes all the goods purchast or gain'd by exchange for goods taken pyratikally and the ship and tackle tho claimed by the former owner, and all goods not challenged by the persons from whom they were taken

In grants where the king has no power at all to grant, a clause "as far as in us lies" is vain, and won't make the grant legal; but here the king has power to grant some of the goods taken with these pirates.

The gentlemen, for the question, lay great stress on those words, which seem to carry, that which the king has no power to grant. But would not have those words at all considered which except that clause out of the grant.

Sr. Edw. Seymour: England burdened with taxes; Scotland inflamed; the dependance of Ireland almost lost

Whither should the merchants go for relief, at court is the secretary, in Westminster Hall, Lord Ch'r⁶⁷ and Lord Bellamont in the plantations

Mr. Mountague:⁶⁸ Such a clause of "*Quantum in nobis*" satisfied the House in the case of the East India Companys charter, when, without that, illegal powers would have been granted. A gentleman said the grant was legal if not contrary to the prize act.

Who has discharged his trust with more honour and justice than Lord Chancellor? Has he made any difference between papist and protestant, Williamite and Jacobite in any cause before him.

Mr. Harley:⁶⁹ All the world will think this an illegal grant. The king cannot grant away that trust which is reposed in him for protection of trade.

The objections which have been raised against the grant in point of law.

1st. objection. To the generality of it. All goods taken in any part of the world are granted away.

Answer. It is a false representation of the grant. 'Tis only of the goods of such pirates as should be taken by the *Adventure Galley*. The recompence goes no further than the consideration. The ground of the grant was the expence of fitting out the galley, and the hazard of those employed in the service. And the grant is of no more than the ship should take from pirates.

2d. objection. By this grant, not only the goods of the pirates themselves but all goods taken with them are granted. Tho' piracy do's not change the property, and therefore they may be challenged by the right owners.

Answer. The law is so as it is alleged, the owners have a right to challenge their goods and prove their property. But the fact is false, by this

⁶⁶ By Charles Molloy, 1676.

⁶⁷ Chancellor.

⁶⁸ *Ante*, p. 315, note 24.

⁶⁹ *Ante*, p. 315, note 22.

grant *bona deprædata* are not granted.⁷⁰ The grant is only of such ships and goods as should be taken together with the pirates by the *Adventure Galley*, so far as the same might belong to the king or in his power by law to dispose of in right of the crown or as perquisites of the Admiralty. If the goods do not belong to the king, and he has not a right by law to dispose of them, they are not granted. It seems absurd to say that a grant of what was grantable by law, was a grant of that which was not grantable by law. Had the grant been general it would have passed only what the king by law could grant. And yet it is endeavoured to put another construction on a grant restrained to such things as by law might be granted

3d. objection. The restraining words in the grant, are only specious and to colour the injustice which otherwise would have been too notorious, but they are but words of [blank] grant since then the king could only grant [the goods of] pirates themselves. The inserting of those [words] could have no good meaning they are rather extensive than restrictive, and hint at the power of granting the subjects goods; for the begging the goods of pirates themselves would not have been worth while [as if] the king should grant away the manor of one subject to another, *quantum in nobis est*.

Answer. It is hard to say, what is meant by this objection. It cannot be pretended that in any time a grant [in which] such words as these have been inserted was notwithstanding held unlawful: nor can it be said that words of [restraint] in the kings grants are void. Such an assertion would be ridiculous. Infinite cases shew the contrary. One famous instance was mentioned; *vizt.* the last new charter purchased by the old East India Company; which grants to them in general terms, all the powers and privileges in their former charters many of which were utterly useless. But when that was objected in the House of Commons it was allowed to be a good and full answer to the objection that the generality of the grant was restrained by these saving words in the conclusion, "As far as the same by Law could be granted["]".

As to the other part of the objection: that these words are rather extensive than restrictive and seem to imply a power in the king to dispose of the goods of others besides pirates, it stands thus.

1. The king in right of his crown is intituled to the property of the pirates and may grant them absolutely⁷¹

2. He is in right of his crown intituled to such goods taken in the possession of pirates by those who act under his [grant] whose owners cannot be known nor the property fixed⁷²

⁷⁰ In the margin of the manuscript, opposite these lines: "85 Hildebrands
Abr.

14, 12 Co. 73
th 231."

12 Coke 73 refers to the decision, Trinity term, 8 Jac., that in the case of letters patent to the Lord High Admiral, the right to goods robbed from others (*bona deprædata*) can not be granted. See *ante*, p. 318.

⁷¹ In margin, "Rolls Abr. Prerog. 180".

⁷² In margin, "12 Co. 73. 27 E. 3. Stat. 2. c. 8". For 12 Coke 73 see note 70, *ante*. 27 Edw. III. st. 2. c. 8 concerns jurisdiction of the staple, and provides that "all people of the staple shall be ruled by the law merchant and not by common law." If the merchant robbed could prove that the goods belonged to him, they were to be returned without suit at common law.

3. The king as Lord Admiral is intitled to a reasonable [share] from the owners whose property is proved [at the end] of the expedition which is to be determined by [the court of] Admiralty. And if they be *bona peritura* the Ad.⁷³

4. By the law of the sea, if pirates take a ship there by force and unlawfully and proceed to commit piracies in her, that ship is forfeited and belongs to the king so that the king had several rights which he might claim and might grant: and intending to grant them all it is [not]⁷⁴ scarce possible to find out more proper and significant words and at the same time more cautious and qualified expressions.

4. Objection. By this grant a great hardship is put upon the merchants whose goods might have been piratically taken for they are put to contest with men in great stations and had no equal court to go to for justice. The only judge who the pirates were, and whose goods they were was Kidd himself

Answer. In answer to this, it is not less, at least the same hardship for merchants to contend with the king than with subjects, the relief of the owners of goods taken by pirates is the same to all persons, whether there was a grant or not the judge of the Admiralty hath the jurisdiction in both cases, he is to order the persons of the pirates 'till their tryal and the custody of the ship and goods 'till the right be determined⁷⁵ he is judicially to determine what goods are properly theirs, and to determine of the claims of other owners and to pursue the law's of nations, and after all their regular methods are gone through, before any goods be delivered he requires security for making satisfaction in case there should be a future proof of property.

5 objection. There is a suggestion in the grant of the kings knowledge that the ship was fitted out at the Earl of Bellamont's charge and his approbation of the design, which is a high presumption in him that prepared the grant. 'Tis contrary to what the law presumes, and puts a hardship upon the subject; for 'tis unmannerly to dispute the fact after.

Answer. This objection seems to contradict itself. For if the law presumes that the king cannot know the fact, it can be no disrespect to any man to contradict an allegation of such a nature; but that [*blank*] many grants are there founded on the suggest[ion] and the suggestion made the very consideration [of it.] The law supposes the king do's take notice of [the design.] Untrue it is at the peril of the party and the grant made up, such an untrue suggestion is void [even if it?] was for the king's advantage to insert it. Because if it be untrue the king was deceived, and the grant would be void and the proof is uncumbent on the grantees.

⁷³ The rest is blank, but the law was that perishable goods might be disposed of and satisfaction made to the first owner if he afterwards proved his claim (*ante*, p. 319).

In margin: "Groti de Jure Belli et Pacis lib. 1, cap 9 §13. Res a piratis capta, ubicunq'e reperiuntur, vindicari possunt; nisi quod ex naturali Jure ei quo suo sumptu possessionem rei adeptus est tantus esse reddendum quantum Dominus ipse ad Rem recuperandam libenter impensura." This citation, which departs somewhat from the text, should be to lib. III. cap. 9, sec. 13, according to the edition of 1646 photographically reproduced by the Carnegie Institution of Washington, 1913 (p. 504). The first book has but five chapters.

⁷⁴ A sign of deletion opposite this word.

⁷⁵ A long stroke of the pen completes the line.

6. Objection. The king is a trustee for the people in protecting trade and guarding the sea against pirates, and this is such a particular trust and inherent prerogative that he cannot assign it or devolve it upon another.

Answer. There is no doubt but 'tis the office of a king to protect his people, and their trade. But it is hard to see how this is applicable to the present purpose. Every man has a right to make war against pirates without a commission and the care of protecting trade against them in so far from being an incommunicable trust lodged in the prince that any one who has enough of courage or publick spirit to undertake it, has a natural right to free trade from the spoilers of mankind. But suppose the trust of destroying pirates and protecting trade to be inherent in the king, is he to execute it in person and to go himself a pirate-hunting? The power of making war is his incommunicable privilege but must he do it himself; and if he commissions generals and officers is this a violation of his royal prerogative? is it not allowed to all to grant commissions to privateers in time of war, empowering them to take ships and goods and hold them to their own use, or such parts of them as the prince thinks fit?

7th. objection. By the letters patents the ships and goods are granted absolutely and without account and so the gran[tees are] under an obligation to have the judgement of [the court though] goods may be imbezzled and the merchant [though his] property, will not have a remedy [to recover] his goods.

Answer. This is plainly otherwise, without a legal adjudication the grantees could have no benefit of the grant. Till the goods be adjudged and ascertained by the proper court, the grantees cannot claim them, tho the pirates were brought to justice

Besides the pretence appears altogether groundless; for 1st. Kid by his commission, is obliged to bring the pirates to justice and to keep an exact inventory of what he takes with them: and from this he is no ways discharged by the subsequent grant.

2dly. The grantees themselves also are under an obligation of accounting. It is true the goods are granted to them in the letters patents, to hold without account: which words import no more than to hold to their own use; and therefore are always inserted when personal things are granted by the crown. But by the deed of covenants, executed in the Treasury by the grantees the parties to the grant are expressly obliged to account upon oath, and to answer a full tenth part clear of all charges to the king; and the letters patents and indentures as to this purpose are but one conveyance: and the grantees are as much obliged to account, as if the words of the indenture had been inserted in the letters patents. And they cannot account for the tenth part, without taking an account of the whole.

8th. objection. That the king cannot grant the goods of pirates at least not before conviction. That here four pirates are mentioned by name and their goods granted before conviction, which is against law and contrary to the Bill of Rights.⁷⁶

⁷⁶ The pirates mentioned in the grant are: Thomas Tew, who had a privateering commission from Governor Fletcher of New York, and who apparently was killed in an act of piracy before the date of this commission to Kidd (Jameson, *Privateering and Piracy*, pp. 167, 184); John Ireland, Thomas Wake, and William Maze or Mace. All but Ireland are referred to in Jameson, pp. 167, 169, 184, 218.

Answer. As to a grant of the goods of pirates, there is no objection to it in point of law

A pirate is *hostis humani generis*

By the law of nations every man, without a commission from any prince is impowered to take and destroy him; and may hang him at the yard arm. He may execute such beasts of prey immediately without any solemnity of condemnation: and by subduing and taking him he gives a property in the ship and goods of that pirate ⁷⁷

piratarum navigia cuivis diripere liceat ⁷⁸

The civilians say it is more prudent in such a case to act by publick authority, and to take a commission, which will indicate the uprightness of the intention. But then in such a case the property of the pirates goods will belong to that prince by whose commission the person acts.

It will not be denied, but that the king may grant [such and there] are multitudes of such grants and several solemn [conveyances] good in point of law.

Yet there are many objections to a grant of felons [goods which] hold in the case of the goods of pirates.

A grant of *bona piratarum* is good in like manner [and this] is plain; so the usage has been accordingly.

There are few letters patents upon record for constituting [admirals] where there is not an express grant of the goods of pirates amongst others. See:

32. H 8. to the Lord Russel. ⁷⁹

3. Edw. 6. to the E. of Warwick.

4. Edw. 6. to Lord Clynton.

4 and 5. Ph. and M. to Edw. Ld. Clynton.

27. Eliz. to Charles Ld. Howard

16 Jac. 1. to the Marquis of Bucks

12 Car 2 to the D. of York.

No objection was ever made to those grants.

As to that part of the objection drawn from the Bill of Rights that in this grant particular persons are named, and tho' they be yet, in point of precedent, it may be of dangerous example.

It cannot but be observed that after the clamour of great mens countenance to piracy, and such a tragical charge against a giant who warranted piracy, 'tis sinking exceedingly to fall so low as to say that som[e]thing too hard was done against four known pirates actualy upon a piratical design, and not to be brought to justice otherwise than by force.

But after all, the clause in the Bill of Rights can in no sort be expounded to extend to this case.

That clause rejects all grants and promises of fines and forfeitures of particular persons before conviction.

The reasons given against such grants of fines before conviction is that the *quantum* of the fine being uncertain and arbitrary in the breast of the

⁷⁷ In the margin opposite this passage, "Maritimo etc. Lib. 1. Cap. 4. 13 and 21", referring to Molloy's *De Jure Maritimo et Navali*.

⁷⁸ "Everyone has the right to seize pirates' ships." In margin, "Jure Maritimo 10".

⁷⁹ See *ante*, pp. 317-318 and notes.

court. The king did not know what he granted [*blank*] it might tend to the interruption of justice by occasioning a [*blank*] or a too violent prosecution. But those words cannot [be made] to extend to this case.

As to the other part of the clause which relates to forfeitures it is to be understood only of such forfeitures as are made by [*blank*] upon record

This is evident by the reasons given in the law. B[*blank*] matter.

One of the reasons given against su[*ch* grant is that] the forfeiture dos not accrue till the [conviction for till] then the king has no title. 2^{ly}. The party has a right to dispose of his goods, and to use them and live upon them till conviction and therefore the granting is unjust.

But these reasons do not extend to this case. Because the forfeiture for piracy accrues by the act of piracy, and tho' the pirate escaped or be slain in fight, yet all his goods are forfeited and therefore are directly in the king to grant before conviction.

2. This head in the act extends only to common law forfeitures and the stat[ute] relates in this as well as in all other heads to matters within the kingdom. It concerns cases where the parties are amesnable to justice and their estates within the reach of the common law, where the offence is against the law of this land; and punishable by it

But piracy is an offence not punishable at the common law. The offence itself, and all the consequences of it are of the cognizance of the civil law.⁸⁰ The statute of 28. H. 8. c 15. gives another mean of trial, and extends the forfeiture to land (in case the party be convicted according to the statute).⁸¹ But it do's not alter the offence or make it felony or corrupt the blood. Nor do's that act take *away the old manner of proceeding*,⁸² but only superadds another for the more easy conviction of pirates, because (as the statute says) it was difficult to convict them according to the course of the civil law where there are two positive witnesses required or the confession of the party.⁸³ It can never be imagined the Bill of Rights reached to such a case of the civil law forfeiture.

If the persons concerned in this grant had fitted out the ship, and taken these pirates without any commission the goods had been their own. And 'tis strange that it should be unlawfull for the king to give 'em that upon a condition they took the pirates; which by doing the same thing they would have acquired without the grant.

3^{ly}. The case of pirates concerns persons in open hostility that must be seized by force where they can be found; and they and their goods secured together as they can be; otherwise there can be no suppressing of them.

The law considers them as in actual hostility and they are proceeded against as enemies; with this difference between the use of privateers and pirates that these are enemies to all princes whereas the others are only so in respect to the nations whose princes are at war together. And therefore, as it is allowed amongst all princes to grant commissions to

⁸⁰ The word "Felony" in the margin.

⁸¹ *Ante*, p. 319, note 46.

⁸² In the margin, opposite the underscored passage, "112. Tit Piracy the Judges since". Coke's *Institutes*, pt. III., p. 112, discusses the subject of piracy. Cf. the next note.

⁸³ In margin, "An Accessary to be tried according to the Civil Law 3 Co. 53. ar 112". See preceding note.

privateers in time of war, impowering their subjects to fight with and take enemies and their ships and goods and to hold the same to their own use, or at least such part of them as the king thinks fit to allow, the terms ^{being} varied between [the state] of the war and the necessity of giving sometimes [for its success?] and the legality of such commissions is never doubted

In the same manner and on the same reason of law [any] commission and grant in the case of pirates doe's p[roceed and] nothing can be said as to the inconveniences [and injustices of the] one which may not be insisted on as to the inconveniency and injustice of the other.

Both are granted in time of war, for as to the pirates their war is perpetual and with all nations

Ships and cargoes are seized, in both cases before adjudication [a] like necessity otherwise they could never be brought to justice

In both cases there is a possibility that friends and allies and merchants may have some trouble. Their goods may be taken in the ships of enemies in the one case; or pirates in the other. They may be put to the charge of making out their property, and perhaps to contest with great men (for in Queen Elizabeths time as great men as any in the kingdom took commissions for privateers for many years together) yet the necessity and nature of the[se] makes it lawfull in both cases, and the same law of nations justifies such commissions and grants of the goods of the enemies [in time] of war will also justifie the like in case of pirates also.

In both cases it is a sufficient answer to these difficulties that after capture there is a proper court to be applied to. The Admiralty must determine it, if the ship and cargo or any of it belonged to an enemy or to a pirate; and if any part is adjudged to belong to an ally, in one case; or to an honest merchant in the other; it is adjudged to them.

Pirates are considered as open enemies, and therefore be they of what nation soever, in what part soever of the world they are to be taken;⁸⁴ or whose subjects soever they were born, yet they are subject to the jurisdiction of the prince by whose commission they are taken and may be tried and punished any where. It is not necessary they should be English, or rob on the English seas for their being [*sic*] being brought to justice in England and there is not above one of the 4 named in the commission who was an Englishman

4. It is manifest that pirates are considered in another manner than persons charged with crimes committed within the realm [under the] common law: otherwise the proclamations frequently issued against pirates are liable to the very same objections as [*blank*] to give an instance. The proclamation being the 6. instant promises, that if any person belonging to the ship's company of any pirate shall seize the person commanding the ship together with the ship and goods, and deliver them to any magistrate and give evidence so as such pirate may be convicted he shall receive as a reward a moiety of the kings share of the vessel and goods.

⁸⁴ In margin, "S'r G. Mackenzies Criminal Law of Scotl. 393 Tit 9. § 3". This reference in Sir George Mackenzie's *Laws and Customs of Scotland in Matters Criminal* is concerned with a discussion of the jurisdiction of admirals.

This is the same case, if the king may grant a moiety of what belongs to him, he may grant nine parts in ten, of what belongs to him. No body questions the legality of this proclamation and yet if such proclamation were granted with respect to robberies it were not justifiable by law.

5. These letters patents do not give the goods of the persons named or any other pirates absolutely, but upon the condition of their being taken in order to be brought to justice. If they surrender themselves to justice; or if they are taken in any other manner than by this galley, the grantees had no title. Their title was to arise from their taking them when actually standing out in their piratical courses. Nor does the grant extend further than to such goods or other things as the king may grant by law. The words are strictly circumscribed to things belonging to the king and lawfully grantable by him.

The particular persons are named in the commission which was proper otherwise it would have been very [*blank*] been liable to have been objected that there had been no real occasion for the commission. The commission is at large recited in the grant and then the goods of the four persons and of other persons are granted as far as by law the king may grant. If the grant be not good as to the four persons, nothing so far as they are concerned passes by it.

9th. objection. There was another objection made that the commission in this case was under the great seal, whereas it ought only to be under the Admiralty seal.

Answer. A commission of this nature could not be granted but only by the great seal directly, or by virtue of a commission, under the great seal, especially empowering the Admiralty to grant a comm'n of this nature. This appears by a report of Sr. Cha. Hedges upon a reference to him of a petition of the East India Company to the Admiralty to empower their ships to take pirates.⁸⁵ The judges report being that in order to enable them thereto they must have a commission under the great seal (Hardwicke Papers, XXXIII. 127-156.)⁸⁶

[Dec. 6], HC. We were yesterday in the committee of trade, to which the papers about Kidd were referred; as soon as the commission, grant, and indenture had been read, *Sir Bartlemy Shore*⁸⁷ rises up to inveigh against the grant, saying that all the other papers, which treated of matters subsequent to it, could not mend it, if it were in itself illegal; which he undertook to prove by several arguments. The chief were, that the pirates were named whose goods were granted away, which, he said, was contrary to an act of Parliament, which forbids giving away felons' goods

⁸⁵ *Ante*, p. 316, note 27.

⁸⁶ In N. Y. Pub. Lib. In the margin of the first page of this debate there is written: "N. B. I think these Notes were in Sr Jph Jekyll's hand, and taken for Ld Somers Use. They show the Style of Debate at a Time when the H: of C. made a great Figure." The first two words, "I think", are crossed through with the pen. At the end of the report there is this passage: "I take these Notes to be Sr J. Jekylls, They are Curious, and show what week Grounds of Clamor a Party Spirit will work up into a Greivance." Sir Joseph Jekyll was a member for Eye. Macaulay gives a summary of this debate which, he says, lasted from midday till nine at night. No sources are cited. (*Hist. of Eng.* ed. Firth, VI. 2952.) For further proceedings concerning Kidd see *post*, pp. 379-382.

⁸⁷ Or Shower, M. P. for Exeter. Cf. this account with the preceding one from the Hardwicke Papers.

till after the conviction, and that the restrictive words in the grant, which says those goods were granted as far as the king could do it, and they were grantable, shewed only that those who took that grant knew they were upon an unlawful thing, and therefore put a colour upon it by these words, for the pirates' goods are the king's, and he may grant them after conviction; yet the goods taken by pirates, the king is only a trustee for, and no man loses his property in them; but, upon making out his claim, they ought to be restored to him. He concluded with a question they had concerted, that the letters patent granted to the Earl of Bellamont and others, of pirates' goods, are dishonourable to the king, against the law of nations, contrary to the laws and statutes of this realm, invasive of property, and destructive of trade and commerce.

*Mr. Montague*⁸⁸ was willing, for the saving of time, to give up the point of reading all the papers; but, as it was agreed, I gave the House an account of all the steps made from Livingston's introducing Kidd to my Lord Bellamont, to do a considerable service against the pirates, to the time of Kidd's being seized in New England; which, I am told, gave satisfaction to many who did not understand the case. And as it was before approved of by my Lord Chancellor, I named the lords who were concerned in the grant, and made use of their servants and dependants as trustees; which proved likewise of use, that people might know who they were passing sentence upon, which otherwise they would have pretended to be ignorant of; and it was but too visible that was their meaning, though those who were resolved to drive the point said the naming of great men was never any [blank] to that House, who would censure miscarriages wherever they were found.

*Mr. Cowper*⁸⁹ answered to it, that as nobody ought to be influenced by great names, so neither should there be any envy or prosecution against men because they were great; the flattering or the maligning of them being equally base; and they, as well as all other people, ought to have their actions weighed in equal balances. He spoke, likewise, very well to the legality of the patent, and said that pirates' goods came under three considerations: First, goods that properly belong to them. Second, the ship in which piracy was committed, and both these the king was entitled to immediately by the piracy, let the ship belong to whom it would before; and the third, was goods robbed by pirates, which it was owned belonging to the proprietor when he should make out his claim to them; but, in the meantime, the king had a possessor's right to those goods, and might lodge it when he thought fit, and therefore the patent had taken in all cases in those general words, as far as the goods were grantable.

*Mr. Solicitor*⁹⁰ and *Mr. Dormer*, of Buckinghamshire, argued, both of them, very strongly, for the legality of the grant, and answered all objections against it, particularly the statute against granting felon's goods before conviction, did not relate to grants, which are under a different judicature, and before that statute felon's goods could be granted before

⁸⁸ *Ante*, p. 315, note 24.

⁸⁹ John Hawles. In the preceding report he is not mentioned, and the arguments here advanced by him are there attributed to Granville and Harley. Robert Dormer, M. P. for Aylesbury, was the speaker next mentioned.

conviction. Mr. Solicitor shewed that pirates' goods have been granted to every Lord Admiral for these two or three hundred years, and it was reasonable it should be so, that they might have an interest in suppressing them; and, in the present commission of Admiralty, the king reserves the disposal of those goods to himself. Besides, there was nothing so common as the grant of felons' goods, which almost every lord of a manor enjoys; and the questioning such grants would be a great shaking of property.

The debate lasted from noon till nine at night, and every body had a share in it that uses to speak, both good and bad; and the decision of it was, that 133 were for the question, and 189 against it; so it was thrown out, and a majority of 56 is thought no small matter as this House is constituted. I believe a good many of their side slipped away, and would not stand a question which, upon the arguments, appeared so doubtful whether they should carry it; and some were offended at the heap of enormities that were charged upon the grant, which perhaps would have come up to a gentle censure. But I believe the contrivers of the question thought themselves sure of their number, and therefore laid the charge the heavier, in order to remove my Lord Chancellor, by an address which was the least they promised themselves; but the two houses being juster than to be led blindly by other men's passions, I hope those who are thought useful to the public, and whose countenance in their employments is so solemnly contended for, will be prevailed with to abandon them.⁹⁰ (James, *Letters . . . of the Reign of William III.*, II. 378-381.)

Dec. 6, HC. It appearing to the House, that a grant had been made by letters patent to the Earl of Bellamont and others, of pirates goods: the question was put, that the said letters patent were dishonourable to the king, against the law of nations, contrary to the laws and statutes of the realm, an invasion of property, and destructive of trade and commerce; and passed in the negative. (Cobbett, V. 1202; Chandler, *History and Proceedings of the House of Commons*, III. 108.)

Dec. 14,⁹¹ HC. Ordered, that leave be given to bring in a bill for the more effectual suppressing of pirates: and that Sir Charles Hedges and Mr. Brewer do prepare, and bring in, the bill.⁹² (C. J., XIII. 57.)

Dec. 18, HC. Sir George Rook, from the Lords of the Admiralty, according to order, presented to the House an account of the distribution of

⁹⁰ Vernon to Shrewsbury, Dec. 7.

⁹¹ Dec. 8, there were presented to the Commons from the Commissioners of the Customs, an account of the gross receipt of the customs and impositions in London and out-ports, from Michaelmas 1686 to the same day, 1688, showing the total imposts on tobacco for that period to have been £927,820 4 s., and the net payments into the exchequer on tobacco and sugars, £322,374 8 s. 10½ d.; the same for 1697-1699, on tobacco £638,797 8 s. 9¼ d., on coffee and spice £24,856 4 s. 1 d., the net payments into the exchequer on the former, £211,892 16 s. 5 d., on the latter £20,286 19 s. 7 d. C. J., XIII. 42-46.

⁹² 11 and 12 Gul. III. c. 7 (*Statutes*, VII. 590). The preamble recites 28 Hen. VIII. c. 15 (see *ante*, note 46) and the difficulties in invoking it against persons committing piracy in the East and West Indies and elsewhere; the act then provides for their trial by specially constituted courts outside the realm. Such a court with a quorum of seven, included colonial governors, councillors, admiralty judges, captains of naval vessels, and customs officials, but there was no provision for trial by jury. "Pirates, alone of the subjects of the English king, might be put to death without the verdict of twelve good men and true" (Channing, *Hist. U. S.*, II. 279). The first case in New England under the new act was that of John Quelch, 1704 (Jameson, *Privateering and Piracy*, p. 278).

the number of seamen now in service; the rates of their ships; their stations, and complements of men; ⁹³ besides the ships ordered to be paid off, and laid up: and also

A memorial concerning retrenchments in the navy, in pursuance of his Majesty's order of the 29th of May 1699.⁹⁴

And the titles thereof were read.

Ordered, that the consideration of the said account, estimate, order, and memorials, be referred to the committee of the whole House, who are to consider further of the supply to be granted to his Majesty. (*Ibid.*, pp. 72, 76.)

Dec. 19, HC. The Earl of Ranelagh, according to order, presented to the House an abstract of the arrears due to the land-forces to the 25th day of March 1699: and also,

An abstract of the establishment and estimate of the arrears for the year ending the 25th of March 1700.

To the troops in the West Indies.	Arrear.			Off-reckonings, included in the said arrears.		
	l.	s.	d.	l.	s.	d.
Colonel Collingwood's regiment of foot, from the first of April 1692. to 25 March 1699. inclusive. }	11,816	16	10	2,118	13	1
Four companies at New-York, for the same time. . .	12,558	9	8	2,309	3	8
Company at the Leeward Islands, for the same time	4,335	18	3	1,345	17	3

The said abstract of the establishment signed by his Majesty, which commenced the 26th of March 1699.; viz.

	l.	s.	d.
Regiment of foot in the West-Indies.	12,142	6	8
Four companies at New-York.	4,258	6	8
One company in the Leeward Islands.	1,117	2	6
One company at Newfoundland.	1,015	18	4

Ordered, that the consideration of the said abstracts and disposition be referred to the committee of the whole House, who are to consider further of the supply to be granted to his Majesty. (*Ibid.*, pp. 79-83.)

⁹³ The following concern America: *Advice*, "going to New-England, to fetch home Captain Kidd"; *Portland* and *Mary Galley*, ordered to be fitted for a voyage to New England; *Shoreham*, to Jamaica, thence to Virginia "to attend there"; *Hampshire*, in the Straits, with the trade from Newfoundland; *Gloucester*, *Falmouth*, *Linn*, *Germon Prize*, West India squadron, ordered home; *Ludlow* and *Speedwell*, at Barbados, the latter ordered home; *South-Sea Castle*, *Biddiford*, *Saudados Prize*, *Maidstone*, at Jamaica, the latter two ordered home; *Margate* and *Queensborough*, Leeward Islands, the latter ordered home; *Arundell* and *Newport*, in New England and New York; *Messenger*, advice boat, in Maryland; *Dolphin*, *Roebuck*, *Rupert Prize*, *Paramour*, on particular services in the West Indies, and attending the plantations; *Essex Prize*, at Virginia, ordered home. C. J., XIII. 73.

⁹⁴ From the Commissioners of the Admiralty to the Lords Justices, Dec. 18, 1699. The third recommendation reads: "Another Person has, for many years, enjoyed the salary of 60*l.* per Annum, as surveyor of the woods in New-England: His business is, as he informs us, the taking care to preserve the trees in those parts fit for masts; and he says, that, in doing it, he yearly expends the moiety of his salary. The Navy-Board acquaint us, that they do not remember any benefit has accrued to the Navy by the service of this person; wherefore we shall only inform their Excellencies, That he holds his employment under the great seal, and submit his case to their Excellencies Pleasure." (*ibid.*, p. 74). The surveyor referred to was Jahleel Brenton.

Dec. 20, 1698. A petition of Sir Edward Mansell baronet, Stephen Stringer, and others, owners of the ship *Martha* of Margam, was presented to the House, and read; setting forth, that the said ship was shipwrecked on Kenfigg Sands in 1698, where she was beaten almost to pieces by the sea; and bought, with her riggings, for 30 *l.* by the petitioners; and rebuilt with new timber, new beams, a new deck, and 40 tons larger than before; which cost above 800 *l.* with her rigging, and other necessities; but, she being a foreign bottom, some doubts have arisen, whether, by an act for preventing frauds, and regulating abuses, in the plantation-trade, she is not prohibited to trade to or from any of his Majesty's plantations or colonies: and praying leave to bring in a bill to make the said ship a free ship, to trade and traffick to and from the ports of this kingdom, to any of his Majesty's plantations or colonies.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Sir Edward Stradling, Sir Thomas Day, and Mr. Cox, do prepare, and bring in, the bill.⁹⁵ (*C. J.*, XIII. 84.)

Dec. 20, 1698. Sir George Rook, from the Lords of the Admiralty, according to order,⁹⁶ presented to the House a copy of the commissions to Captain Long, of the *Rupert-Prize*; Captain Hunter, of the *Dolphin*; Captain Dampier, of the *Roebuck*; and Captain Haley, of the *Paramour-Pink*:⁹⁷

And also a copy of the instruction to Captain Long, of the *Rupert Prize*, for following his Majesty's orders on an expedition to America:

And also a copy of instructions to Captain Hunter, of the *Dolphin*, for proceeding to and recovering of a wreck in the West-Indies:⁹⁸

And also a copy of the instructions prepared and brought to the board, by persons concerned in the wreck in the West-Indies.

And also a copy [of] a letter from the Right Honourable Mr. Secretary Vernon to the Lords of the Admiralty, touching the setting out the *Rupert-Prize*, commanded by Captain Long, on an expedition to America:

⁹⁵ An act was passed permitting the vessel to trade as a free ship.

⁹⁶ *C. J.*, XIII. 83. Vernon wrote to Shrewsbury, Dec. 19: "They have a mind to set another peevish inquiry on foot, and therefore have ordered the Admiralty to lay before them what orders have been given to four small ships that are sent to the West Indies. One is the *Rupert prize*, that Long, the quaker, is gone in. Your Grace remembers something of him; but I intend Sir James Houblon shall answer for him, who is concerned in the wreck he is to look after. I think the inquiry is rather after another ship, *viz.*, the *Dolphin*, Captain Hunter commander; he is to look after the wreck granted to the Duke of Schomberg, from ten to forty degrees. My Lord Macclesfield, and Travers, of our house, have appeared principally in this project. I suppose they believe my Lord Orford interested in it. If he be, it is more than I know; but I remember he brought a memorandum of it one night to the Cabinet Council; and, accordingly, I was to signify the King's pleasure to the Admiralty Board, for sending away the ships on that expedition.

"Another of the ships mentioned is that which Dampier is gone in, to discover whether there be any isles lying between the Straits of Magellan in America, and the Cape of Good Hope in Africa. I suppose Mr. Montague recommended him for this purpose, and, no doubt, had a fair meaning in it. What the fourth ship is I don't yet know. I imagine that the hints of these matters came originally, from some of the Admiralty or Navy, if not both." James, *Letters . . . of the Reign of William III.*, II. 395-396.

⁹⁷ The texts of all these copies this day presented are given in *C. J.*, XIII. 85-88.

⁹⁸ In this and the following instructions he is directed to go to the West Indies to take up several wrecks described in the several papers left in the hands of Samuel Travers, for the use of the parties concerned, pursuant to the indentures between the said persons and Sir James Houblon and Company, by virtue of letters-patent to the Duke of Schomberg and Leinster, between 12 degrees south and 40 degrees north latitude. *Ibid.*, p. 86.

And also an extract of a letter from Mr. Secretary Vernon, about instructions for Captain Hunter, relating to the ship *Dolphin*:

And also a copy of the instructions of Captain Haley, of the *Paramour Pink*, for the finding out the variation of the needle:⁹⁹

And also an extract of a letter from Mr. Secretary Vernon to the Lords of the Admiralty, touching the instructions for the captain of the *Dolphin*:

And also a copy of the instructions to Captain Dampier, of the *Roebuck*, for making discoveries in foreign parts.¹⁰⁰

And the titles of the said papers were read

Ordered, that the said copies do lie upon the table, to be perused by the members of the House. (*Ibid.*, pp. 85, 88.)

Dec. 22, HC. Ordered, that leave be given to bring in a bill to punish governors of plantations here, for crimes by them committed in the plantations: and that Mr. Solicitor-General do prepare, and bring in, the bill.¹⁰¹ (*Ibid.*, p. 93.)

1699/1700.

Jan. 10, HC. Ordered, that leave be given to bring in a bill to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens: and that Sir Edward Hussey and Mr. Thursby do prepare, and bring in, the bill.¹⁰² (*Ibid.*, p. 106.)

⁹⁹ "In your Return home [from the 'discovery of the unknown south lands' between the Straits of Magellan and the Cape of Good Hope] you are to visit the English West-India Plantations, or as many of them as conveniently you may; and in them to make such observations as may contribute to lay them down truly in their geographical situation: And, in all the course of your voyage, you must be careful to omit no opportunity of noting the variation of the compass; of which you are to keep a register in your Journal." *Ibid.*, p. 87.

¹⁰⁰ To proceed near the Cape of Good Hope, "and from thence stretch away towards New-Holland, and then to New-Guinea, and Terra-Australis . . . that your utmost endeavours be used towards the discovering all such things . . . as you shall judge may any-ways tend to the good of the nation . . . and, to that end, you are to bring home with you some of the produce of the places you touch at . . . and you are likewise at Liberty to bring home some of the natives, provided they are willing to come along with you." *Ibid.*, pp. 87-88.

¹⁰¹ This act reads: "Whereas a due Punishment is not provided for severall Crimes and Offences committed out of this His Majesties Realme of England whereof divers Governors Lieutenant Governors Deputy Governors or Commanders in Chiefe of Plantations and Colonies within His Majesties Dominions beyond the Seas have taken Advantage and have not been deterred from oppressing His Majesties Subjects within their respective Governments and Commands nor from committing severall other great Crimes and Offences to not deeming themselves punishable for the same here . . . be it enacted . . . That if any Governor Lieutenant Governor Deputy Governor or Commander in Chief . . . shall after the First Day of August One thousand seaven hundred be guilty of oppressing any of His Majesties Subjects beyond the Seas within their respective Governments or Commands or shall be guilty of any other Crime or Offence contrary to the Laws of this Realme or in force within their respective Governments or Commands such Oppressions Crimes and Offences shall be enquired of heard and determined in His Majesties Court of Kings Bench here in England or before such Commissioners and in such County of this Realme as shall be assigned by His Majesties Commission and by good and lawful Men of the same County and that such Punishments shall be inflicted on such Offenders as are usually inflicted for Offences of like Nature committed here in England." 11 and 12 Gul. III. c. 12 (*Statutes*, VII. 600).

¹⁰² 11 and 12 Gul. III. c. 6 (*ibid.*, p. 590). It allowed natural-born subjects "within any of the king's realms or dominions" to inherit the estate of their ancestors, lineal or collateral, the same as if those through whom they acquired title had been natural-born subjects. A similar bill failed to pass in 1698. *C. J.*, XII. 494, 514, 530.

Jan. 10, HC. Sir Edward Stradling, according to order, presented to the House a bill for the ship *Martha* of Margam to trade as a free ship: and the same was received.¹⁰³

Ordered, that the bill be read to-morrow morning. (*C. J.*, XIII. 106.)

Jan. 10, HL. The House being this day moved, that a day may be appointed, for taking into consideration the present posture of affairs in Scotland, relating to the business of Darien;¹⁰⁴ and debate thereupon:¹⁰⁵

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that this House will take that matter into consideration on Tuesday the sixteenth day of this instant January, at eleven of the clock in the forenoon; and all the Lords summoned to attend. (*L. J.*, XVI. 491.)

Jan. 12, HC. A petition of the freeholders, clothiers, serge-makers, and others, inhabitants of the town of Taunton, and parts adjacent, was presented to the House, and read; setting forth, that the way to raise the value of our land, to lessen the number and charge of the poor, and to increase the riches and strength of the nation, is, to give the greatest encouragement to the woollen and other manufactures of this kingdom; to abate the interest of money; destroy all monopolies; discourage all companies that restrain trade, especially the East-India and Hamborough; to repeal the act for prohibiting of bone-lace from Flanders; to make the acts for burying in woollen to extend to the plantations; and to make England, as much as may be, a free market for all buyers: and praying the consideration of the House in the said matters.

Ordered, that the consideration of the said petition be referred to the committee, who are to examine what has been done against the exportation of wool; and for encouraging the woollen manufacture.¹⁰⁶ (*C. J.*, XIII. 113-114.)

Jan. 12, HC. Sir George Rook presented to the House a state of the fleet: and the same was read; and is as followeth; *viz.*

By the commissioners for executing the office of Lord High Admiral of England, Ireland, etc.

¹⁰³ *Ante*, p. 338.

¹⁰⁴ *Ante*, p. 132, note 2.

¹⁰⁵ "It has been under consideration how to bring the last book about Darien into the House of Commons, to have it censured there, as so insolent and scurrilous a way of writing deserves. But I think it has been too long neglected, and it has only given occasion and time to the Scotch agents and emissaries to defeat the design accordingly. My Lord Peterborough took notice of the book yesterday, in the House of Lords. The turn he gave to it was, that it was writ passionately, and in the language of persons that smarted under great losses; yet, they do throughout the book aim at what may properly relieve them, *viz.*, their being admitted to an union with England; and this he made his theme, shewing the convenience, and, in this conjuncture, the necessity of it, in regard to our present and future tranquility; hinting at the competition for the crown that may happen between two young princes; and if one of them, as has been usual, would change his religion for a kingdom, it is not unlikely he would put himself under the education of the kirk; in which case, perhaps, they would prefer him to one bred up in episcopacy, though it were by a Scotch bishop.

"My Lord Privy Seal can no sooner hear the word union named, but he runs blindfold into it, and said all he could think of, for pressing it. My Lord Halifax opposed it; and said they should run any risk rather than be bullied by the Scots' menaces. However, the gravest men, such as my Lord Rochester and Lord Godolphin, were for setting apart another day to consider the business of Darien, and have appointed it for Tuesday; but which way they will handle it, is yet uncertain." Vernon to Shrewsbury, Jan. 11 (James, *Letters . . . of the Reign of William III.*, II. 403-404).

¹⁰⁶ For the personnel of this committee see *C. J.*, XIII. 6.

A list of what ships and vessels are now abroad, and going abroad; with their several stations; and by what time they may be expected home.¹⁰⁷

Ordered, that the said state do lie upon the table, to be perused by the members of the House. (*Ibid.*, pp. 114-116.)

Jan. 12, HC. Ordered, that Mr. Gilbert Kendall, a publick notary, do lay before this House the books and papers he hath relating to the sailing of the ship *Dolphin*.¹⁰⁸ (*Ibid.*, p. 116.)

Jan. 13, HC. Sir Edward Hussey, according to order, presented to the House a bill to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens: and the same was received.

The bill was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 117.)

Jan. 13, HC. A bill for the ship *Martha*, of Margam, to trade as a free ship, was read the first time.

Resolved, that the bill be read a second time upon Tuesday morning next. (*Ibid.*)

Jan. 13, HC. The House being informed, that Mr. Gilbert Kendall attended, according to order; he was called in: and, at the bar, presented to the House a book relating to the sailing of the ship *Dolphin*.

And then withdrew.

Ordered, that the said Mr. Kendall do lay before this House the transfer-book, and all other books and papers, relating to the said ship. (*Ibid.*, pp. 117-118.)

Jan. 13, HC. The House being informed, that Mr. Kendall attended again; he was called in: and, at the bar, presented to the House a transfer-book relating to the ship *Dolphin*; which, he said, were all the papers he hath, or had, relating to the said ship: and then withdrew.

Ordered, that the said books do lie upon the table, to be perused by the members of the House. (*Ibid.*, p. 120.)¹⁰⁹

Jan. 15, HC. A bill to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens, was read a second time.

¹⁰⁷ The following vessels in American waters are listed: *Gloucester* 278 men, *Falmouth* 197, *Lynn* 115, *Germoon Prize* 50, in the West Indies with Rear-Admiral Benbow; *Saudadoes Prize* with 150 men, and the *Maidstone* 95, at Jamaica; *Speedwell* 115, Barbados; *Queenbrough* 95, Leeward Islands; *Essex Prize* 60, Virginia. All the above, with 1155 men were expected home about June. The *Hampshire* with 197 men was expected from Newfoundland in May; the *Ludlow* 115, at Barbados; *South-Sea Castle* 115, *Biddeford* 95, were at Jamaica; *Margate* 95, Leeward Islands; *Arundell* 115, New England; *Newport* 95, New York; *Messenger Advice-Boat* 40, Maryland; *Shoreham* 115, Virginia; and the *Tilbury* 197, *Mary Galley* 115, *Experiment* 115, were designed for Newfoundland. The *Advice*, with 197 men, had gone to New England for Kidd, but if the latter came with Rear-Admiral Benbow, she was to stay in New York.

¹⁰⁸ *Ante*, p. 338, and note 98.

¹⁰⁹ Jan. 13, Vernon to Shrewsbury: "It was intended to-day, to make a complaint in the House against the last Scotch book. It was resolved last night, at a meeting at my Lord Chancellor's, and Sir Rowland Gwynn was to open it; but other matters lasted till five o'clock. Whenever this complaint is made, I find it will be opposed. Mr. Harley, I find, has an odd notion that the parliament should not declare themselves one way or another, so as they may reserve themselves to be arbitrators, if occasion requires." James, *Letters . . . of the Reign of William III.*, II. 406-407.

Resolved, that the bill be committed to Sir Edward Hussey, Sir Abstrupus Danby, Mr. Dryden, Mr. Yates, Lord Cornbury, Mr. Palmer, Mr. Thursby, Mr. Smith, Mr. Dyot, Mr. Proby, Mr. Brotherton, Mr. Lee, Mr. Pelham, Mr. Yates, Mr. Gurdon, Mr. Campion, Mr. Hancock, Mr. Rowney, Mr. Bullock, Sir John Cope, Mr. Osborne, Sir Rich. Farrington, Mr. Mompesson, Sir Owen Buckingham; and all the gentlemen of the long robe: and they are to meet this afternoon at five a clock, in the Speaker's Chamber. (C. J., XIII. 122-123.)

Jan. 15, HC. A complaint being made to the House of a printed book, intituled, "An Inquiry into the Causes of the Miscarriage of the Scots Colony at Darien; or an Answer to a Libel, intituled, A Defence of the Scots abdicating Darien";¹¹⁰

And a motion being made, that the address of the Lords and Commons to his Majesty, relating to an act of Parliament passed in Scotland for erecting a company trading to Africa and the Indies, be now read;¹¹¹

And a debate arising thereupon;

And the question being put, that the debate be adjourned till Friday next;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Tredenham, Mr. Foley: 191.

Tellers for the noes, Mr. White, Mr. Carter: 190.

So it was resolved in the affirmative.

The said book being brought up to the table; several paragraphs therein were read.

Resolved, *nemine contradicente*, that the said book, highly reflecting upon the honour of his Majesty, and both Houses of Parliament; and tending to create jealousies and animosities betwixt the two kingdoms of England and Scotland; is a false, scandalous, and traitorous libel.

Ordered, that the said false, scandalous, and traitorous libel, be burnt by the hands of the common hangman upon Friday next, at twelve a clock, in the Palace-Yard: and that the sheriffs of London do see the same performed.

Resolved, *nemine contradicente*, that an humble address be presented to his Majesty, by such members of this House as are of his Majesty's most

¹¹⁰ Published in 1699; no place given, and author unknown. The *Defence of the Scots* (Edinburgh, 1699) is attributed by Sabin to George Ridpath, but according to a manuscript note in the librarian's copy of the *Catalogue of the New College Library* (Edinburgh, 1868), the author is Archibald Foyer. See *ante*, notes 105, 109. Dec. 2, 1699, Vernon wrote to Shrewsbury: "It seems there is a new book come out in justification of the Scots' Settlement at Darien, and upbraiding the government for abandoning them. Sir Edward Seymour told me to-day he had one of them, and pretends to know the author. He says I am mauled in it for the part I acted, and particularly for the insulting joy I shewed at their leaving the place, and that I ran with the news to the Spanish Ambassador. That, I assured him, was not true; for I had never seen the Spanish Ambassador since I was secretary, till the time I carried him the message to leave the kingdom; and I nowhere else shewed more joy than came to my share as an Englishman, and I thought we all looked upon it as a thorn drawn out of our sides, which he did not much disown; but, however, said the book was well writ, and what more is to be made of it, I don't know." James, *Letters . . . of the Reign of William III.*, II. 374-375; see also *ibid.*, pp. 419-420.

¹¹¹ *Ante*, pp. 138-140.

honourable Privy-Council, that he will please to issue his royal proclamation for the discovering and apprehending the author, printer, and publisher, of the said false, scandalous, and traitorous libel; promising a reward to such as shall discover or apprehend such author, printer, or publisher.¹¹² (*Ibid.*, p. 123.)

[Jan. 15], HC. We sat yesterday¹¹³ till ten at night. We began with a complaint against the Scotch libel. Sir Rowland Gwynn, who introduced it, after having read the passages he found fault with, and before he brought the book to the table, moved that the address of the Lords and Commons might be read which was made when the Scotch company were endeavouring to get subscriptions here. Mr. Harley and others opposed the reading this address, as what might lead them to something that might be further provoking to Scotland; and they carried it by a division of 191 against 190; but after that the book was brought up and condemned to be burnt, and an address voted for a proclamation to be published, with a reward for the apprehending either the author or the printer. . . . (James, *Letters . . . of the Reign of William III.*, II. 408.)

Jan. 16, HC. A petition of the merchants and traders to Newfoundland, and in the herring-fishery, living in Biddeford, in Devon, was presented to the House, and read; setting forth, that, by several acts of Parliament, there is a duty of 6 s. 8 d. per bushel laid upon all salt imported, payable within six months, unless exported again within that time; for payment whereof, the petitioners give bonds at the custom-house: but, by reason of the shortness of the time for payment, the petitioners are greatly prejudiced in their trade; for that, when any salt is imported after March, they cannot again export it till February following; so that their bonds, being thereby forfeited, are often put in suit against them: and praying, that the time may be enlarged for discharging the said duties.

Ordered, that the said petition do lie upon the table. (*C. J.*, XIII. 124.)

Jan. 16, HL. The order of the tenth instant being read, for taking into consideration the present posture of affairs in Scotland, relating to the business of Darien:

The Earl of Jersey, principal secretary of state, acquainted the House, that he had brought the copy of a letter from Secretary Vernon, to the governors of his Majesty's plantations in the West Indies, in relation to the Scots settling at Darien.¹¹⁴

¹¹² *Acts P. C. Col.*, II. 296. The proclamation, dated Jan. 29, is printed in the *London Gazette*, no. 3571.

¹¹³ Vernon to Shrewsbury, Jan. 16. Continuing this account he adds: "In the debate about reading the address, both Sir Edward Seymour and Sir Christopher Musgrave expressed their dislike to an union, which Sir Edward compared to a countryman that had a wife proposed to him without a fortune, and gave this reason for refusing it, that if he married a beggar he should have a louse for a portion. This the Scotch have heard, and are very angry at it. . . ."

"The Lords have been upon the business of Darien; they have read the above mentioned address, with the orders that were sent to the Governors, and for further information, they will see the treaties with Spain, and the remarks of the Commissioners of Trade upon a Scotch memorial, in answer to that of the Spanish Ambassador's, which are to be brought them on Thursday; what they will conclude in, I suppose, will be an approval of what the King has done pursuant to their address."

¹¹⁴ Jan. 2, 1698/9, and sent to all colonial governors. Printed with introduction in *Am. Hist. Rev.*, X. 812-814, and in *MSS. H. of L.*, 1699-1702, pp. 68-69. The letter

Then the address of this House to his Majesty, of the thirteenth of December, one thousand six hundred ninety-five, was read, out of the Journals, with his Majesty's answer thereunto;¹¹⁵ as also the said copy of the letter writ by Mr. Secretary Vernon.

And debate hereupon:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Council of Trade and Plantations do lay before this House, in writing, on Thursday next, at eleven of the clock in the forenoon, their opinion, how consistent the colony at Darien may be with the treaties with Spaine, and the trade of this kingdom.¹¹⁶ (*L. J.*, XVI. 494-495.)

Jan. 17, HL. Upon reading the petition of David Gansepoel, late a captain of a company in Colonel Holt's regiment, now in the Leward Islands; praying, that he may be admitted to be naturalized:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioner shall be added to the bill for naturalizing Oliver D'Harcourt and others.¹¹⁷ (*Ibid.*, p. 495.)

Jan. 17, HC. A bill for the ship *Martha* of Margam to trade as a free ship was read a second time.

Resolved, that the bill be committed to Sir Rowland Gwyn, Mr. England, Sir Edward Stradling, Mr. Hancock, Mr. Probert, Mr. White, Mr. Lowther, Sir Abstru. Danby, Mr. Ryder, Mr. Henly, Mr. Mountague, Mr. Dyot, Mr. Hayes, Mr. Hughes, Mr. Gerrard, Mr. Foley, Mr. Yates, Mr. Bulkly, Mr. Eyres, Mr. Cox, Mr. Pleydall, Mr. Dormer, Mr. Blofeild, Mr. Mountstevens, Sir Robert Edon, Mr. Phillips, Mr. Rayner, Mr. Sayer: and all that serve for South-Wales: and they are to meet this afternoon at five a clock, in the Speaker's Chambers.¹¹⁸ (*C. J.*, XIII. 126.)

Jan. 18, HC. The Lord Coningsby acquainted the House, that their address having been presented to his Majesty, that he would please to issue his royal proclamation for the discovering and apprehending the author, printer, and publisher, of a false, scandalous, and traitorous libel, intituled, "An Inquiry into the Causes of the Miscarriages of the Scots Colony at Darien; or, An Answer to a Libel, intituled, A Defence of the Scots abdicating Darien"; and promising a reward to such as shall dis-

forbade all correspondence with the Darien project. Proclamations in response to this letter were issued by Governors Beeston of Jamaica, Grey of Barbados, and Bellomont of New York and New England. *Am. Hist. Rev.*, loc. cit.; *A Full and Exact Collection of All the Considerable Addresses . . . and other Publick Papers, Relating to the Company of Scotland Trading to Africa and the Indies* (London, 1700), pp. 77-83.

¹¹⁵ *Ante*, p. 138.

¹¹⁶ "The Lords have been this day upon the Scotch business, and about five o'clock came to this resolution, that the King's pleasure, signified to the Governors in the Plantations, in relation to the Scotch settlement at Darien, was agreeable to the address of both Houses of Parliament, dated 13th December, 1698 [*sic*]."

"Some lords are still examining into the King of Spain's title to that tract of land, and have appointed it for Monday; but I suppose there is an end of it. I don't think we shall meddle with the address, as we intended, to-morrow. . . ." Vernon to Shrewsbury, Jan. 18 (James, *op. cit.*, p. 413).

¹¹⁷ Gansepoel was originally from France. This naturalization bill was read the first time on Jan. 9, and received the royal assent Apr. 11. *L. J.*, XVI. 489, 579; *MSS. H. of L.*, 1699-1702, pp. 58-59.

¹¹⁸ The following day this committee was enlarged. *C. J.*, XIII. 130.

cover or apprehend the author, printer, or publisher thereof; his Majesty was pleased to say, that he would take care therein.¹¹⁹ (*Ibid.*, p. 129.)

Jan. 18, HL. After reading the opinion of the Commissioners of Trade and Plantations,¹²⁰ delivered by the Earl of Stamford, and the Spanish ambassador's memorial, concerning the Scotch settlement at Darien;¹²¹ as also upon reading the articles of treaty with Spaine in 1670, relating to the West Indies,¹²² and the address of this House to his Majesty, 13th December 1695, with his Majesty's answer thereunto,¹²³ and debate hereupon; the House resolved and declared, that the king's pleasure, signified to his governors of the plantations, in relation to the Scotch settlement at Darien, was agreeable to the address of both Houses of Parliament to his Majesty, dated the 13th December, 1695.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the further consideration of this matter shall be adjourned to Tuesday next, at eleven of the clock in the forenoon. (*L. J.*, XVI. 497.)

Jan. 19, HC. Sir Edward Hussey reported from the committee, to whom the bill to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, lineal or collateral, notwithstanding their father or mother were aliens, was committed, that they had made an amendment thereunto; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same was twice read; and, upon the question put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendment, be ingrossed. (*C. J.*, XIII. 131.)

Jan. 20, HC. Sir Charles Hedges, according to order, presented to the House a bill for the more effectual suppression of piracies: and the same was received, and read the first time.¹²⁴

Resolved, that the bill be read a second time upon Thursday morning next. (*Ibid.*, p. 132.)

Jan. 22, HC. A petition of John Degrave and Francis Minshall, in behalf of themselves, and others, owners of the ships taken up by the trans-

¹¹⁹ *Ante*, notes 109, 110.

¹²⁰ Printed, *Cal. St. P. Col.*, 1700, pp. 32-34; and in *MSS. H. of L.*, 1699-1702, pp. 70-73. It sets forth that the Spaniards settled there in 1510, and that one Enciso first discovered the Darien river upon which he built Sta. Maria Antigua, afterwards erected into a bishopric; that after Balboa's discovery the inhabitants were removed to Panama, the province being later divided by Spain between the audiencias of Panama and Carthagena; that the Scottish settlement was inconsistent with the treaties between England and Spain and would lead to open rupture with the latter; and that the establishment of the colony there would be "highly mischievous" to the plantations and principally to the island of Jamaica, "by alluring away their inhabitants with the hopes of mines and treasure, and diverting the present course of trade".

¹²¹ A protest, dated May 3, 1699. The Marquis de Canales was the Spanish ambassador. *Ibid.*, p. 73; *Cal. St. P. Col.*, 1699, p. 240.

¹²² Treaty of July 18. Printed as document no. 66 in Davenport, *European Treaties bearing on the Hist. of U. S.*, II.; and in Dumont, *Corps Universel Diplomatique du Droit des Gens* (1731), VII. 137. Article 8 forbade either country from sailing and trading in those place in the West Indies possessed by the other.

¹²³ *Ante*, p. 138.

¹²⁴ *Ante*, p. 336, note 92.

port commissioners to carry provisions to Newfoundland, was presented to the House, and read; setting forth, that, upon the refusal of other merchants, the petitioners, in July 1697. contracted with the said commissioners to perform the said service; which they completely performed, as may appear by their settled accounts; but they cannot get any other satisfaction for the same from the said commissioners, or the Lords of the Treasury, than that they tell the petitioners, there is no money appropriated to pay them: and praying the consideration of the House, so as they may be paid for the said service.

Ordered, that it be referred to such of the late commissioners for transportation as are members of the House, to examine, and state to the House, how the matter relating to the petitioners stands; and the reason why the petitioners are not satisfied.¹²⁵ (*C. J.*, XIII. 134-135.)

Jan. 25, HC. An ingrossed bill to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens, was read the third time.

Resolved, that the bill do pass: and that the title be, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.

Ordered, that Sir Edward Hussey do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 142.)

Jan. 25, HC. A bill for the more effectual suppression of piracies was, according to order, read a second time.

Resolved, that the bill be committed.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Saturday come sevensnight, resolve itself into a committee of the whole House, to consider of the said bill.

Ordered, that it be an instruction to the said committee, that they have power to receive a clause, for the punishment of deserting seamen, both from his Majesty's ships of war, and merchant-ships. (*Ibid.*, pp. 142-143.)

Jan. 25, HC. Ordered, that the Lords Commissioners of the Admiralty do lay before this House copies of the orders for fitting out and sailing of the ship *Dolphin*.¹²⁶ (*Ibid.*, p. 143.)

Jan. 26, HC. Mr. Duncomb, from the commissioners of transports, presented to the House their answer to the petition of John de Grave and Francis Minshall, in behalf of themselves, and others, owners of the ships hired to carry provisions to Newfoundland:

And the same was read; and is as followeth; *viz.*

That, in July 1697. they hired seven ships to carry provisions hence to Newfoundland by the ton; and paid them half their freight, so soon as their loading was on board. The ships, and masters names, are as follow; *viz.*

The *Joseph*, Thomas Rook master.

¹²⁵ Their answer was given Jan. 26. A second petition was presented Apr. 6.

¹²⁶ *Ante*, p. 338.

The *John and William*, Benjamin Holman master.

The *Seventh-Son*, James Perryman master.

The *Hart*, John Dudley master.

The *Burlington*, George Stephens master.

The *Agreement*, James Young master.

The *Antony*, Samuel Roberts master.

The first of the above ships has been long since paid in full.

The following three ships have had their accounts adjusted; but, having no money to pay them with, their accounts were, some time since, laid before the right honourable the Lords Commissioners of his Majesty's Treasury; but nothing received for them.

The *Burlington*, George Stephens master, was taken by two French privateers in her passage to Newfoundland; and the owners, and their ship, insured from the enemy by his Majesty; so that she is to be paid for according to a report made to the Lords Commissioners of the Treasury.

The *Agreement*, James Young master, after making Newfoundland, met with stormy weather, and was forced from the land; and his ship, being much damaged, sailed for Barbados, as we have also reported to their Lordships.

The case of the *Antony*, Samuel Roberts master, we have been told, is the same with the *Agreement*; but the owners have not yet applied to us to have their accounts adjusted.

26 January 1699.

Ordered, that the said answer be recommended to the Lords Commissioners of the Treasury. (*Ibid.*, p. 143.)

Jan. 27, HC. Sir George Rook, from the Lords Commissioners of the Admiralty, according to order, presented to the House the copies of the orders for fitting out, and sailing, of the ship *Dolphin*:

And the titles thereof were read:

And the said copies are as follow; viz. . . . ¹²⁷

Ordered, that the said copies do lie upon the table, to be perused by the members of this House. (*Ibid.*, pp. 154-155.) ¹²⁸

Feb. 2, HC. Sir Edward Stradling reported from the committee, to whom the bill for the ship *Martha* of Margam to trade as a free ship was committed, that they had examined the same; and had directed him to report the same to the House, without any amendment: and he delivered the same in at the clerk's table.

Ordered, that the bill be ingrossed. (*Ibid.*, p. 167.)

Feb. 7, HC. An ingrossed bill for the ship *Martha*, of Margam, to trade as a free ship, was read the third time.

¹²⁷ *Ante*, p. 338, note 98.

¹²⁸ In an account of silver exported since Michaelmas, 1697, this day presented to the Commons, the following items appear: June 6, 1698, Benj. Francis, West Indies, 1000 oz.; Feb. 7, 1698/9, John Vobe, Bermudas, 2000 pieces of 8; Feb. 16, Richard Cary, Antigua, 600 oz.; June 6, 1699, Geo. Adams, Barbados, 700 oz.; July 28, Wm. King, West Indies, 750 oz. foreign silver; Oct. 17, Rowland Gideon, Barbados, 102 oz.; Nov. 29, Geo. Adams, Barbados, 850 oz.; Nov. 29, Geo. Adams, West Indies, 1000 oz. *C. J.*, XIII. 148-150.

Resolved, that the bill do pass: and that the title be, An act for the ship *Martha*, of Margam, to trade as a free ship.

Ordered, that Sir Edward Stradling do carry the bill to the Lords, and desire their concurrence thereunto.¹²⁹ (*C. J.*, XIII. 182.)

Feb. 8, HC. A petition of Colonel Henry Holt, in behalf of Captain Thomas Holt, Captain John Piggott, Captain John Forster, Ensign Samuel Clark, Ensign Thomas Byssse, and Ensign John Horn, late officers in the regiment of foot commanded by him in the West-Indies, was presented to the House, and read; setting forth, that the said regiment was, on the 1st of May 1695. reduced from thirteen companies to five; and the supernumerary officers were, by his Majesty's order, to attend the service, and be subsisted, together with the regiment, and preferred as vacancies should happen: that the aforesaid officers are all of that reduction, who are not yet provided for; and are excluded the benefit of half-pay, as reduced before the 10th of September 1697; and thereby are incapable of preferment on the vacancies which happen, though they are Englishmen, have a great arrear of pay due, and served long in a most unhealthy climate, and undergone greater hardships than those who have served nearer home: and praying the House to consider the case of the said officers; and that they be allowed the same benevolence of half-pay, as is granted to the officers reduced since the 10th of September 1697.

Ordered, that the said petition do lie upon the table. (*Ibid.*, p. 184.)

Feb. 8, HL. After reading the order of the nine and twentieth of January last, for resuming the adjourned debate concerning the settlement of the Scotch colony at Darien;¹³⁰ and long debate thereupon:

This question was proposed, that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom?

Then the previous question was put, whether this question shall be now put?

It was resolved in the affirmative.¹³¹

Dissentient. Fitzwalter, Carnarvon, Torrington, Lempster, Guilford, Leeds, Jeffreys, Abingdon, Halifax.

Dissentient.

Because, as we conceive, there has not been made appear in this debate any ground sufficient to determine a point of so great importance; and yet it has been refused to allow time for due information in a matter

¹²⁹ *L. J.*, XVI. 508. Concerning this day's further proceedings in the Commons, Vernon wrote to Shrewsbury, Feb. 8: "Mr. How began to open himself yesterday, and moved for a day to consider the state of the nation, which is appointed on Tuesday next; there was a long debate whether it should be in a committee, or in the House. . . ."

"They say the reason why they strove against going into a committee was, that they might bring up Kidd's business again, and would make it regular, since it has not yet had any determination in the House. If this be their intention, one would think they wanted matter against my Lord Chancellor, and therefore trump this up once more; and if it fails them again, perhaps they may let him alone, though they are more set against him than any one else. . . ." James, *Letters*. . . . of *Reign of William III.*, II. 427-428.

¹³⁰ Adjournments are noted, Jan. 22, 24, 29. *L. J.*, XVI. 498, 501, 503.

¹³¹ The vote was 32 and 26. Timberland, *Hist. and Proceedings of the H. of L.*, II. 9.

of trade, which is very obscure, and of the highest consequence to the quiet and welfare of both nations, in this conjuncture.

DE LONGUEVILLE,
DARTMOUTH,
NORMANBY,
NOTTINGHAM,
WEYMOUTH,
H. LONDON.

Then the main question was put, that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom?

It was resolved in the affirmative.

It is resolved, by the Lords Spiritual and Temporal in Parliament assembled, that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom.

Lords committees appointed to draw an address, to be presented to his Majesty, upon the resolution of this House, that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom; and also upon the debate of the House; and report to this House.

Comes Pembroke, *praeses*; *Comes* Bridgewater, *Comes* Stamford, *Comes* Anglesey, *Comes* Rochester, *Comes* Marleborough, *Comes* Tankerville, *Comes* Jersey, Viscount Townshend, *Ds.* Audley, *Ds.* Lawarr, *Ds.* Ferrers, *Ds.* Wharton, *Ds.* Culpeper, *Ds.* Godolphin.

Their Lordships, or any three of them; to meet to-morrow, at ten of the clock in the forenoon, in the Prince's Lodgings near the House of Peers.¹³² (*L. J.*, XVI. 508-509.)

Feb. 9, HC. A petition of Sir William Phippard knight was presented to the House, and read; setting forth, that the petitioner bought a Dutch built flyboat, now called the *Dolphin* of Pool, of one Shadrack Lester, for less than 100 *l.* she being a prize, and very rotten; and the petitioner, to do the carpenters and seamen of Pool a kindness, and to increase the trade there, did rebuild the said ship, which cost him above 1200 *l.*; but some doubts have arisen, whether she is, by an act for preventing frauds, and regulating abuses, in the plantation-trade, prohibited to trade to or from any of his Majesty's plantations: and praying, that the said ship may be made free to traffick, to and from the ports of this kingdom, to any of his Majesty's plantations or colonies.

Ordered, that leave be given to bring in a bill, according to the prayer of the said petition: and that Mr. Molyneux and Mr. Blake do prepare, and bring in, the bill.¹³³ (*C. J.*, XIII. 187.)

Feb. 10, HC. Mr. Molineux, according to order, presented to the House a bill for the ship *Dolphin* of Poole to trade as a free ship: and the same was received; and read the first time.

Resolved, that the bill be read a second time upon Wednesday next, in a full House. (*Ibid.*, p. 188.)

¹³² See also *MSS. H. of L.*, 1699-1702, p. 70.

¹³³ This bill was not committed.

Feb. 10, HL. The Earl of Rochester reported from the Lords committees appointed to draw an address to be presented to his Majesty, upon the resolutions and debate of the House, relating to the settlement of the Scotch colony at Darien, the address drawn by them.

After reading whereof, and debate thereupon:

This question was put, whether this House shall agree to the said address?

It was resolved in the affirmative.

We, the Lords Spiritual and Temporal in Parliament assembled, being, according to our duty, ever solicitous for the preservation and increase of the trade of this kingdom, on which the support of your Majesty's greatness and honour so much depends, as well as the security and defence of your people, have been very apprehensive, that the steps lately made towards a settlement of your subjects of the kingdom of Scotland at Darien may tend to the great prejudice of this nation, and possibly to the disturbance of that peace and good correspondence with the crown of Spain, which, we conceive, is very advantageous to us all: we have, therefore, taken the same into our serious consideration, as a matter of the greatest importance, and proper to be laid before your Majesty, as the common father of both countries: and as we are truly sensible of the great losses our neighbour kingdom hath sustained, both of men and treasure, in their expeditions to that place, which we very heartily lament; so we should not endeavour, by any interposition of ours, to defeat the hopes they may still entertain of recovering those losses, by their further engaging in that design, but that we judge such a prosecution on their parts must end, not only in far greater disappointments to themselves, but at the same time prove very inconvenient to the trade and quiet of this kingdom.

On this occasion, we humbly presume to put your Majesty in mind of the address of both Houses of Parliament, presented to his Majesty on the seventeenth day of December one thousand six hundred ninety-five; in the close of which address, your Majesty will see the unanimous sense of this kingdom, in relation to any settlement the Scots might make in the West Indies by virtue of an act of Parliament passed about that time in the kingdom of Scotland, which was the occasion of the said address.

And we humbly represent to your Majesty, that, having received information of some orders your Majesty had sent to the governors of the plantations on this subject, this House did, on the eighteenth of January last, come to this resolution, "That Your Majesty's Pleasure, signified to the Governors of the Plantations, in relation to the Scotch Settlement at Darien, was agreeable to the Address of both Houses of Parliament, presented to Your Majesty on the Seventeenth of December One Thousand Six Hundred Ninety-five".

And, on the eighth day of this instant February, this House came to this further resolution, "That the Settlement of the Scotch Colony at Darien is inconsistent with the Good of the Plantation Trade of this Kingdom".

All which, we humbly hope, your Majesty will take into your royal consideration. And we are confident, that your Majesty cannot be thought too

partial to the address of this House, if your Majesty shall, in the first place, consider the advantage and good of the trade of this kingdom; by the preservation and improvement of which, both these kingdoms, and all your other dominions, must principally on all occasions be defended.

Dissentient, Halifax, Abingdon, Normanby, Nottingham, De Longueville, Torrington, Weymouth, Jeffreys, Dartmouth, Willughby.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lords with white staves do attend his Majesty, with the address of this House.¹⁸⁴ (*L. J.*, XVI. 511–512.)

Feb. 12, HL. Hodie Ia vice lecta est billa, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the abovesaid bill shall be read the second time on Friday next, at eleven of the clock; before which, his Majesty's Attorney General shall be heard what he has to offer in relation to the said bill. (*Ibid.*, pp. 513–514.)

Feb. 12, HL. The Lord Wharton reported his Majesty's answer to the address; which was in writing, signed by his Majesty; and being delivered to the Lord Chancellor, was read by him, as follows:

William R.

His Majesty having received a very dutiful address from the House of Peers, in relation to the endeavours lately used by some of his Majesty's subjects of the kingdom of Scotland towards making a settlement at Darien; in which they humbly represent to him their opinion, that such a settlement is inconsistent with the good of the plantation trade of this kingdom; is pleased to let the House know, that he will always have a very great regard to their opinion; and to assure them, that he will never be wanting by all proper means to promote the advantage and good of the trade of England: at the same time his Majesty is pleased to declare, that he cannot but have a great concern and tenderness for his kingdom of Scotland, and a desire to advance their welfare and prosperity; and is very sensibly touched with the loss his subjects of that kingdom have sustained, by their late unhappy expeditions, in order to a settlement at Darien: his Majesty does apprehend, that difficulties may too often arise, with respect to the different interests of trade between his two kingdoms, unless some way be found out to unite them more nearly and compleatly; and therefore his Majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they would consider of an union between the two kingdoms. His Majesty is of opinion, that nothing would more contribute to the security and happiness of both kingdoms; and is inclined to hope, that, after they have lived near a hundred years under the same head, some happy expedient may be found for making them one people, in case a treaty were set on foot for that purpose; and therefore he does very earnestly recommend this matter to the consideration of the House.

¹⁸⁴ The king's answer to this address was reported on Feb. 12.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Lord Chancellor of England do give order, that the address of this House presented to his Majesty, and his Majesty's most gracious answer thereunto, be forthwith printed and published.¹³⁵ (*L. J.*, XVI. 514.)

Feb. 12, 1691. Mr. Lowndes, according to order, presented to the House an account of all grants made since his Majesty's accession to the crown, which are not already laid before this House: and the title thereof was read: and the account is as followeth; *viz.*

September 1691 A grant to the said Thomas Neal,¹³⁶ of all minerals, mines, ores, and metals, belonging to his Majesty, within the colony of Virginia, for 31 years; reserving a tenth to his Majesty. . . .

December 1691 A grant to Thomas Neal esquire, of the power of establishing a post-office in his Majesty's islands and colonies in America, for 21 years, at 6 s. 8 d. per annum rent. . . .

March 1691 A grant to Tho. Offley, of one moiety of what he shall recover of his Majesty's tenths of silver, and other riches, taken up from several Spanish wrecks in America, by persons of his Majesty's plantations, that have not been answered or accounted for by them to the crown. . . .¹³⁷

June 1692 A grant unto Thomas Neal esquire, of all wrecks to be taken by him or his agents, upon or after the 26th June 1694. and before the 26th June 1701. within 20 leagues of Bermudas. . . .

A grant to Tho. Neal esquire, of all wrecks which shall be taken up by him, or his agents, at any time within seven years from the date of this grant, between Carthage and Jamaica, and between either of those places and Havanna; reserving a fifth part to his Majesty.

July 1692. A grant unto the said Tho. Neal, of all treasure-trove to be recovered by him, or his agents, between the date of this grant, and the 26 June 1701. in the island called Ireland, near the island of Bermudas;¹³⁸ reserving a fifth part to his Majesty. . . .

A grant to Thomas Neal esquire, of all mines royal, and all mines of lead, tin, copper, and all minerals, and veins of salt-petre, within every his Majesty's plantations and colonies in America, except as therein excepted;

¹³⁵ The next day Lord Jersey acquainted the House that he had the king's answer "signed at the top, which was read, and he took back the other delivered yesterday" (*MSS. H. of L.*, 1699-1702, p. 70). The commercial party in Scotland now became convinced that independent effort could not succeed; union with England was finally accomplished in the session of 1706-1707.

¹³⁶ Neale held many minor offices, and was for some years master of the mint. He conducted many lotteries for the government and was interested in banking, building, and mining schemes. A good biographical note is given in Mary E. Woolley's *Early History of the Colonial Post-Office* (Providence, 1894), pp. 25-26, which study also prints the full text of his patent for the post-office (pp. 27-33). See also Wesley E. Rich, *Hist. U. S. Post Office to the Year 1829* (Cambridge, 1924), pp. 12-22. Andrew Hamilton, who had been in the Jerseys since 1685, acted as Neale's deputy in America.

¹³⁷ In December of this year Offley petitioned for a grant to make pitch, tar, etc., in America, for 14 years (*Cal. St. P. Col.*, 1689-1692, pp. 573, 588, 596). In 1694 he charged Sir Edwin Steed, governor, admiralty judge, and receiver of the crown's revenues in Barbados, with receiving great sums from the wrecks. *Cal. Treas. Papers*, 1556/7-1696, pp. 398-399.

¹³⁸ Ireland is at the west, forming the tip of the fish-hook form of the islands. There are legends still extant of buried treasure in the island. It formerly belonged to Sandys Tribe and was first surveyed in 1623. Lefroy, *Memorials of the Bermudas*, I. 316.

*habend'*¹³⁹ for 51 years; rendering to his Majesty one sixth part of all gold and silver, and delivering one sixth part of salt-petre into the office of the ordnance; and rendering one tenth part of the clear profits of all lead, and other the premises. . . .

October 1692. A grant unto Christopher Fowler and others, in consideration of 500 *l.* paid into the exchequer, of the tenth part, reserved to his Majesty, of the wrecks to be taken up by Mr. Neal, or his agents, within 20 leagues of Bermudas, before 26 June 1694; and a moiety of a fifth part, reserved to his Majesty, of the wrecks to be taken up in the parts before-mentioned, after the 24th June 1694. and before the 24 June 1701. pursuant to the letters patents in that behalf. . . .

A grant and release unto the said Thom. Neal, of the moiety of a fifth part, reserved to his Majesty, upon the grant of treasure-trove, in the island called Ireland near Bermudas, and of the whole fifth part, of all wrecks, reserved upon the grant of wrecks, to be taken up between Cartagena and Jamaica. . . .

February 1692. A grant to Francis Nicholson, and others, and their heirs, trustees for the benefit of the college to be erected in Virginia, of 1,925 *l.* 14 *s.* 10 *d.* of his Majesty's quit-rents there; and of the one penny per pound of tobacco, put on board of any vessel, within the colonies of Virginia and Maryland, belonging to the crown; and of the office of surveyor-general of the said colony; and also of 20,000 acres of land in the said colony; the whole to be applied towards the erecting, finishing, and endowing, the said college; rendering to the crown two copies of Latin verses, by the president and masters thereof. . . .¹⁴⁰

March 1692 A grant to the Duke of Linster, of all wrecks, not being already granted, as shall be recovered by him, or his agents, within 20 years from the date, in America, between the latitudes of 12 degrees south, and 40 degrees north.¹⁴¹

A grant to Jacob Leister,¹⁴² of all the estate, real and personal, of Jacob Leister, late of the city of New York in America, his father, forfeited by his conviction of high treason; with a like grant unto Mary Milburn, of the estate of her late husband, forfeited for the same cause; and likewise a grant and restitution unto Gerrard Beckman, and five others, of the same city, of their estates, real and personal, forfeited as aforesaid. . . .

A grant unto Tho. Neal and John Tissack, of all wrecks, to be recovered within seven years after the date, within 30 leagues of the isle of Sables¹⁴³ in America, betwixt 40 and 50 degrees of northern latitude. . . .

March 1694 A grant unto Henry Earl of Romney,¹⁴⁴ and John Glover,¹⁴⁵ of a moiety of what they shall recover, of his Majesty's part of

¹³⁹ To be held.

¹⁴⁰ William and Mary College, chartered Feb. 8, 1692/3. The land was on Blackwater Swamp and in Pamunkey Neck, between the forks of the York River. In addition to the grants here enumerated, the college was given the right to one burgess in the house of burgesses. See Lyon G. Tyler, *College of William and Mary in Virginia*.

¹⁴¹ See entries concerning the *Dolphin*, *ante*, pp. 338, 339, 341, 346.

¹⁴² Leisler. See *ante*, pp. 113-115, 119-131.

¹⁴³ Sable Island, south of Nova Scotia.

¹⁴⁴ Henry Sidney, secretary of state, lord-lieutenant of Ireland, at this time master-general of ordnance, and later a lord justice.

¹⁴⁵ A London merchant. *Cal. Treas. Papers*, 1556/7-1696, pp. 550-551.

all prizes, since his accession to the crown, carried into any his colonies or plantations in America, or into any ports, or places in Italy, and there concealed. . . .

June 1695. A grant to the Lord Cutts, and Ral. Highgate esquire, of the real and personal estate of William Meers, late of Barbadoes, who died without issue, kindred, or will. . . .

Ordered, that the said account do lie upon the table, to be perused by the members of the House. (*C. J.*, XIII. 192-201.)

Feb. 12, HC. A petition of Jeremiah Basse esquire,¹⁴⁶ and John Lofting merchant, was presented to the House, and read; setting forth, that the petitioners, in 1697. being owners and freighters of the ship *Hester* of 130¹⁴⁷ tons, sent her, laden with goods of the product of England, to the province of East-Jersey, in America, where she arrived the 26th of March last, and was duly entered at Perth-Amboy, a port appointed by the Commissioners of the Customs in England, and under the directions of the Lords of the Treasury, for the delivery of European goods within that colony: that the cargo being unladed, and the ship, in November following, being there victualled and laden, and ready to sail for the Madera's, the Earl of Bellomont, governor of New-York, usurping an arbitrary power over his Majesty's subjects of East-Jersey, which is independent, and no part of the province of New-York, sent 50 armed men to seize the said ship, who entered on board, wounded many of the mariners, and carried her to New-York; where the said earl caused her to be condemned, and sold at 315 *l.* New-York money,¹⁴⁸ for not entering at New-York the goods imported to East-Jersey, and for not paying the duties imposed on them by an act of assembly at New-York; though no duties are payable for goods imported to East-Jersey, nor is East-Jersey subject to the laws made at New-York: by which illegal proceedings the petitioners are not only deprived of their ship, worth above 1,200 *l.*; but also of her cargo then on board, amounting to a further value; and can obtain no satisfaction for the same from the Earl of Bellomont, and those instruments of oppression at New-York: that the petitioner Basse, being governor of East-Jersey, seized there John Elston¹⁴⁹ and William Merrick, whom the petitioner refused to bail, they being of Every the pirate's crew;¹⁵⁰ but the said earl, by a pretended admiralty-power, forced them out of the petitioners hands; set them at liberty upon insufficient bail; and

¹⁴⁶ Deputy-governor of East and West New Jersey from 1697 to 1699. Lofting was his brother-in-law (*N. J. Arch.*, first ser., II. 342). This petition is printed in full, *ibid.*, pp. 311-313; and in *N. Y. Col. Docs.*, IV. 605-606. Full references to the case of the *Hester* will be found, *ibid.*, pp. 438, 777, 852; *N. J. Arch.*, *loc. cit.*, pp. 245, 255, 259, 341, 367, 399; *N. J. Hist. Soc. Proceedings*, X. 144-146; William A. Whitehead, *East Jersey under the Proprietary Governments* (second ed.), pp. 205-207. See also *Cal. St. P. Col.*, 1700, pp. 64-65, 98.

¹⁴⁷ 150 in *N. J. Arch.* and *N. Y. Col. Docs.* These versions also give as the date of arrival in New Jersey Mar. 20, and not Mar. 26 as our text has it; and the petition itself is there dated Feb. 23, probably changed to new style.

¹⁴⁸ About £225 sterling.

¹⁴⁹ See his deposition in *N. J. Arch.*, *loc. cit.*, pp. 223-226, on the last page of which there is mention of Merrick's movements.

¹⁵⁰ July 18, 1696, upon petition of the East India Company, Henry Avery, or Every, commanding the *Fancy*, was declared a pirate and a reward of £500 offered for his apprehension (*Acts P. C. Col.*, II. 299-302). Some of his crew were taken and executed

Merrick has since made his escape:¹⁵¹ and praying the consideration of the House, and relief in the premises.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter; and report the fact to the House:

And it is referred to Colonel Bierly, Mr. Clark, Mr. Hysham, Sir Walt. Yonge, Mr. Mountague, Mr. Secretary Vernon, Mr. How, Sir Wm. St. Quintin, Mr. Boyle, Sir Rich. Onslow, Mr. Blathwaite, Sir Richard Cocks, Sir Chr. Musgrove, Sir Robert Cotton, Mr. Barnardiston, Mr. Hughes, Mr. Boscawen, Mr. Cowper, Mr. Dyot, Mr. Stringer, Mr. Smith, Mr. Moor, Sir Edmund Bacon, Mr. Harvey, Lord Ranelagh, Sir Ja. Houblon, Sir Cha. Bloys, Mr. Hayes, Mr. Rider, Sir John Fleet, Mr. Duke, Mr. Mason, Mr. Lowther, Mr. Offley, Sir Robert Davers, Sir Geo. Rook, Mr. Norton, Sir Rowl. Gwyn, Mr. Bullock, Mr. Gwyn, Sir Godfrey Coply, Mr. Povey, Sir Rich. Farrington, Colonel Granville, Lord Cutts, Lord Powlett, Sir Fra. Blake, Mr. Chase, Mr. Fleming: and they are to meet this afternoon at four a clock, in the Speaker's Chambers: and have power to send for persons, papers, and records.¹⁵² (*Ibid.*, pp. 202-203.)

Feb. 14, HC. To the Honorable the Knights, Cittisens and Burgesses in Parliament assembled.

The humble petition of several merchants of the City of London trading to New Yorke in America. Humbly sheweth, that your petitioners having about nine months past preferred a petition to the right honorable

the following November (Hargrave, *State Trials*, V. 1-18). Others came to the colonies by way of Providence Island (Elston's affidavit noted above). Governor Markham of Pennsylvania, whose daughter is said to have married a pirate, was accused of offering them shelter (*Cal. St. P. Col.*, 1696-1697, pp. 613-615). For the documents in the case of Every, see Jameson, *Privateering and Piracy*, pp. 153-187.

¹⁵¹ Bellomont to the Lords of Trade, Dec. 14, 1698: "Mr. Basse the governour of the Jerseys in contempt of the orders your Lordships formerly sent me, loaded the ship *Hester* at Perth Amboy in East Jersey and was sending her on a voyage; on notice whereof I sent Mr. Hungerford one of the present collectors, and one of my Lieutenants with forty soldiers and seized and brought the ship away. I have since offered to restore the ship provided Basse would have her cleared at this Port, but he refusing so to do we are going to have her tried. . . . Mr. Basse sent me word he had positive orders from the Proprietors not to yield upon no account to any orders I had received, and he threatens to try in Westminster Hall whether Perth Amboy be a port or no, and to sue me for damages for bringing away the ship *Hester*. She is a leaky ship of about 120 tun and her loading is 28,000 barrel staves. . . ." *N. J. Arch.*, loc. cit., pp. 245-246; *N. Y. Col. Docs.*, IV. 438-439.

¹⁵² There was no report from this committee. But Basse brought suit in the Court of King's Bench to recover damages for this seizure and received a verdict "for several hundreds of pounds sterling". (Whitehead, *East Jersey under the Proprietary Governments*, p. 206; N. J. Hist. Soc. *Proceedings*, X. 144.) Bellomont wrote to the Lords of the Treasury, Nov. 23, 1700: "Mr. Bass has had great good fortune in his tryal, upon the account of my seizing the ship *Hester* at Perth-Amboy in East Jersey, to have recovered such great damages of the king. The ship was sold by inch of candle and there was no sort of partiality shewed by me in that matter as Bass has most falsely told the world in a printed paper he dispersed last session of Parliament, among the members of the House of Commons, neither did I get a shilling directly or indirectly by the sale of that ship after condemnation. . . . That ship at the time of her siezure was much out of repair, and had no sort of merchandize on board her but 28,000 pipe staves. . . . Bass was reckoned to be happy in my seizing that ship, by all people here that knew his circumstances. The discourse was among the merchants here that he had imbezzled his brother in law, Mr. John Loftnings cargo, which that ship brought from England, valued at £800, and by that means Mr. Lofting became bankrupt. The ship lay at Amboy near a year before Bass could freight her, and then neither was he able to freight her otherwise

the Lords Commissioners for Trade and Plantations,¹⁵³ setting forth that by severall letters they had received from their factors and correspondents in New Yorke, and the relation of severall other persons then here in England, that by the mismanagement of Richard Earl of Bellomont governor of that province the lawfull trade of that province was discouraged and their effects there in great danger, with several other grievances to which they as yet have received no satisfactory answer, and since the said earle by his administration and illegall proceedings has put such further hardships on the merchants and others the king's subjects there that without redress the petitioners must be forced to withhold their trade thither, especially being informed by severall now here in town inhabitants of that place that the said earle has changed most of the magistrates and justices of peace there, some whereof dare not, and others absolutely refuse to take any affidavits for them, whereby the several arbitrary and unjust proceedings of the said earle may appear in due forme.¹⁵⁴

Therefore the petitioners pray this honourable House to take their case and the condition of that province into their consideration and pro-

than with a paultry loading of pipe staves, which at £3.00 [£3. 10 s. ?] per 1,000, which is the common price, New York money too, is but £98 this money, and not much more than £70 sterling. So that with what conscience such extravagant damages were awarded for that ship and her loading of pipe staves, is more proper for your Lordships inquiry than mine." (*N. J. Arch., loc. cit.*, pp. 341-342; *N. Y. Col. Docs.*, IV. 777; *Cal. St. P. Col.*, 1700, p. 693.) Apr. 29 following, the Lords of Trade replied that it was not in their power to hinder Basse's proceedings in the matter; "but we did all that in us lay to defend his Majesty's right in that cause tho' the success did not answer expectation". *N. Y. Col. Docs.*, IV. 856; *N. J. Arch., loc. cit.*, pp. 367-368.

¹⁵³ Considered May 10. *Cal. St. P. Col.*, 1699, p. 208, *id.*, 1700, p. 71.

¹⁵⁴ There were 32 heads of complaints intended to be offered to the committee appointed to consider this petition. These in substance charged that Bellomont favored and gave encouragement to the Leisler faction, that he treated the assembly "with great scurrility", filled the council with his own appointees and then commissioned new sheriffs and justices of the peace, that he gave public burial to the remains of Leisler and Milburne; that he issued irregular writs for the election of a new assembly and unlawfully increased their number who in return appropriated money for his use; that this assembly vacated several grants and arraigned the administrations of the two preceding governors; that he unlawfully confined two merchants for refusing to state what profits they had made as farmers of the excise, refused payments to the English and French ministers, converted to his own use a whale found on the beach, suspended judges and other officials in favor of his followers, and that he was guilty of unjust and illegal acts respecting Kidd and the pirates. These charges were signed by John Key. (*Cal. St. P. Col.*, 1700, pp. 115-119; *N. Y. Col. Docs.*, IV. 620-623.) The following month sundry merchants of New York petitioned the king to appoint a new administration (*ibid.*, p. 624). "This testimony", says Channing, "is more than usually suspicious because it was made by sundry New York merchants who were intensely hostile to Bellomont on account of his attempted enforcement of the navigation laws" (*Hist. U. S.*, II. 304-305). On Oct. 17 of this year Bellomont wrote to the Council of Trade and Plantations: "Mr. Champante having sent me the copy of some articles that were exhibited against me to the House of Commons last Session by one John Keis, a Scotchman, I had once a design of answering them, till reflecting that the greatest part of 'em are palpable untruths, and those that happen to be true are trifling and of little moment, I thought it would be time mis-spent to answer such trash. For instance, I am accus'd of having remov'd Col. Young with others from the council, and Col. Young was dead two years before my coming into this country. Dr. Carfbile, whom I swore of the Council, is call'd a Mountebank, whereas in truth he was a graduate Phisitian at Leyden, and a very learned and honest man. 'Tis a hardship on every honest man that serves the King to the best of his power to have his name and reputation torn and vilified by a little vagabond Scotchman, and I should think such a man is accountable to the House of Commons for abusing them with untruths." *Cal. St. P. Col.*, 1700, pp. 582-583; *N. Y. Col. Docs.*, IV. 725-726.

tection, and to hear and receive such informations as shall be produced by persons here in town from that place, of whose names your petitioners humbly offer a list, when this honourable House shall see cause to send for them, who other ways dare not appear, least on their returne to New Yorke they may suffer inconveniences for the same. And to take such further course therein as to your judgments shall seem meet and convenient. And your petitioners as in duty bound shall ever pray etc.

JOSEPH ORMSTON

SIMON LODWICK

THOMAS ADDERLY

GERARD SANTTEYTHUYSEN

THOMAS CAGE

HENRY ADDERLY

WILL. SHEPHARD

JOHN JACKSON

JOHN BLACKALL

ROBERT HACKSHAW

WM. CORNELISON

HIDDO LOFTING

(*N. Y. Col. Docs.*, IV. 604-605.)

Feb. 14, HC. A petition of several merchants of the City of London, trading to New-York in America, was presented to the House; setting forth, that the petitioners about nine months since, petitioned the Commissioners of Trade, setting forth, that, by several letters from their factors at New-York, and the relation of divers persons here in England, by the mismanagement of the Earl of Bellomont, governor of New-York, the lawful trade of that province is much discouraged, and that their effects there were in great danger; with several other grievances; but the petitioners received no satisfactory answer thereto: since which the said earl hath put such other hardships on the merchants there, that, without some redress, the petitioners must with-hold their trade thither: and praying the House to take their case into consideration; and to examine such persons as are here in town from New-York, touching the matters complained of.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Jeremiah Basse esquire, and John Lofting merchant, is referred: ¹⁵⁵ and that Sir Barth. Shower, Sir John Packington, Mr. Brotherton, Sir William Ashurst, Sir Hen. Ashurst, Sir John Bolles, be added to the said committee. (*C. J.*, XIII. 209.)

Feb. 16, HL. *Hodie ia vice lecta est billa*, intituled, An act for the ship *Martha* of Margam to trade as a free ship. (*L. J.*, XVI. 518.)

Feb. 16, HL. After hearing Mr. Attorney General ¹⁵⁶ (pursuant to the order of the twelfth instant) upon the bill, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, lineal or collateral, notwithstanding their father or mother were aliens.

¹⁵⁵ *Ante*, p. 355. This petition is also calendared in *Cal. St. P. Col.*, 1700, pp. 69-70. No action was taken during the session. July 29, 1700, Bellomont wrote to Secretary Vernon: "I am told there went from hence, about a fortnight before my arrival [return] here, a petition against me, signed by all the disaffected people in the Province, to the number, as they brag, of 1500 hands. It was handed through all the towns in the Province; 'tis intended to occupy the leisure of the House of Commons the next Session. 'Tis strange that though I was at Boston 300 miles from 'em, yet their malice would find me out at that distance, but their malice is what troubles me the least. . . ." (*Ibid.*, p. 441; *N. Y. Col. Docs.*, IV. 698). Bellomont died in office, Mar. 5, 1700/1.

¹⁵⁶ Sir Thomas Trevor, afterwards Lord Trevor.

Hodie 2a vice lecta est billa, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, lineal or collateral, notwithstanding their father or mother were aliens.

Ordered, that the said bill be committed to the Lords following; (*videlicet*,)

March. Halifax, *Comes* Kent, *Comes* Northampton, *Comes* Rivers, *Comes* Stamford, *Comes* Thanet, *Comes* Sandwich, *Comes* Bathe, *Comes* Burlington, *Comes* Maclesfeld, *Comes* Nottingham, *Comes* Rochester, *Comes* Marleborough, *Comes* Warrington, *Comes* Bradford, *Comes* Orford, Viscount Townshend, Viscount Weymouth, Viscount Longueville, *Epus.* Londin., *Epus.* Roffen., *Epus.* Sarum, *Epus.* Cestr., *Epus.* Petrib., *Epus.* Lincoln, *Epus.* Oxon., *Ds.* Bergevenny, *Ds.* Audley, *Ds.* Lawarr, *Ds.* Ferrers, *Ds.* Wharton, *Ds.* Hunsdon, *Ds.* Poulet, *Ds.* Maynard, *Ds.* Howard Esc., *Ds.* Byron, *Ds.* Culpeper, *Ds.* Lucas, *Ds.* Cornwallis, *Ds.* Craven, *Ds.* Dartmouth, *Ds.* Guilford, *Ds.* Godolphin, *Ds.* Jeffreys, *Ds.* Herbert, *Ds.* Haversham.

Their Lordships, or any five of them; to meet on Monday next, at ten of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*L. J.*, XVI. 518.)¹⁵⁷

Feb. 20, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the ship *Martha* of Margam to trade as a free ship.

Ordered, that the consideration of the said bill be committed to the Lords following

Their Lordships, or any five of them; to meet on Friday next, at ten of the clock in the forenoon, in the Prince's Lodgings near the House of Peers; and to adjourn as they please. (*Ibid.*, pp. 520-521.)

Feb. 21, HC. A petition of the master-ropemakers in and about the City of London, on behalf of themselves, and several other masters and journeymen of the same trade, belonging to the several sea-port towns of this kingdom, was presented to the House, and read; setting forth, that by the late practice of importing great quantities of foreign cordage, and cable-yarn, the petitioners are greatly impoverished, the plantations, which are chiefly supplied therewith, ill served, because it is not well wrought, and the king's duties diminished; all which is occasioned by the drawback, being 5 s. 7 d. outward, and but 5 s. 11 d. inward duty, per hundred, so that the king hath but 4 d. per c. weight, which encourages the merchants to import foreign cordage; whereas, if the same were made in England, the hemp pays 2 s. 6 d. duty inwards, and the wrought cordage 6 d. outwards; and thereby the petitioners would be employed, and the plantations well served: and praying, that the drawback upon foreign cordage, and cable-yarn, may be taken off.

¹⁵⁷ Feb. 17, at the Lords' committee on the bill for employing the poor by encouraging the manufactures of the kingdom, there was read and rejected a petition of merchants and others trading to Africa and the plantations, praying that they "may be under no greater difficulties in their trade . . . than according to the method now practised at the Custom House, whereby petitioners are obliged to make oath that the foreign goods they export shall not be landed again in England". *MSS. H. of L.*, 1699-1702, p. 94.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider further of ways and means for raising the supply granted to his Majesty. (*C. J.*, XIII. 224.)

Feb. 26, HC. A bill for the ship *Dolphin*, of Poole, to trade as a free ship, was read a second time.

And the question being put, that the bill be committed;

The House divided.

The yeas go forth.

Tellers for the yeas, Mr. Molineux, Mr. Pye: 90.

Tellers for the noes, Sir Robert Davers, Mr. Brotherton: 146.

So it passed in the negative.¹⁵⁸ (*Ibid.*, p. 227.)

Feb. 27, HC. A petition of the proprietors of the province of East New-Jersey in America, was presented to the House, and read; setting forth, that, in the year 1664. King Charles the Second, by his letters patents, granted to the Duke of York, his heirs and assigns, all that tract of land in America, which includes the provinces now called New-York, East Jersey, and West Jersey, and all rivers, bays, harbours, etc. belonging to the same: that the said duke conveyed East and West Jersey to the Lord Berkley, and Sir Geo. Carteret; who, in 1681. for a valuable consideration, conveyed East Jersey to the petitioners, and others, their heirs and assigns: that in 1682. the said duke confirmed the petitioners title to East-Jersey, with all the powers of government, as fully as they were granted to him: and King Charles, by his declaration, under the great seal of England, recognized the petitioners authority, commanding the inhabitants to obey the petitioners, as their lawful governors: that petitioners have laid out great sums of money in settling plantations at East Jersey, and by their industry have laid the foundations of a hopeful colony there, which has, ever since its first separation from New-York, remained a distinct province and government; and had distinct assemblies, and a port called Amboy; but, upon unjust complaints of some inhabitants of New-York, attempts have been made to take away the port of Amboy; and the governors of New-York have, by force of arms, boarded several ships, and carried them out of Amboy to New-York, to compel them to enter their ships, and pay such customs as were imposed by their assemblies; though the inhabitants of East Jersey are not subject to the laws of New-York, nor are any customs payable for European goods imported to East Jersey, or any other English plantation, otherwise than by laws made by the respective assemblies of those plantations: that the petitioners, insisting on their right, obtained, from the Commissioners of the Treasury, directions to the Commissioners of the Customs; who, upon full hearing of the proprietors, allowed Amboy to be a port for East Jersey; and appointed an officer, with a salary, to attend the business of the said port: yet the Commissioners for Trade and Plantations refuse to allow the petitioners a port in East Jersey; and, disputing their right to the said government, have given instructions to the governor of New-York, to

¹⁵⁸ *Ante*, p. 349.

hinder and seize ships going into East Jersey; which has accordingly been executed, notwithstanding the petitioners have offered to surrender their government of East Jersey to his Majesty, and to pay the same customs for goods imported thither, as are paid for the like goods at New-York: but the Commissioners for Trade decline to let the petitioners have any port in East Jersey, though no other of his Majesty's plantations are denied the same privilege; which if taken away, the said province will turn to a wilderness, and thereby the petitioners purchases and improvement be totally lost: and praying, that their case may be taken into consideration; and that the House would relieve them therein.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Jeremiah Basse Esquire, and John Lofting merchant, is referred: and that they do examine the matter thereof; and report the fact to the House.¹⁵⁹ (*C. J.*, XIII. 229.)

Feb. 28, HC. Mr. Godolphin, from the Commissioners of the Customs, presented to the House, pursuant to the act of the tenth year of his Majesty's reign, for prohibiting the exportation of corn, an account of all corn and grain, exported from the port of London, and also from the out-ports

And the titles thereof were read: and the said accounts of corn and grain exported are hereunto annexed.

The aforesaid account of all corn and grain, exported from the port of London.

	Wheat	Pease	Beans		Oats	Malt	Meal
Hudson's Bay..	8 Quarters	61 Bushels	.....	.....	.....	8 Quarters	3,200lb.
Newfoundland..	.....	{ 19 Quarters } 3 Bushels	.....	.....	.....	57 Quarters	.....
New-England...	.....	.....	.....	.....	.....	.....	.....
New-York.....	.....	.....	.....	.....	.....	.....	.....
Virginia .....	.....	.....	.....	.....	.....	174 Quarters	.....
Maryland .....	.....	.....	.....	.....	.....	348 Quarters	.....
Jamaica .....	.....	.....	.....	.....	.....	.....	.....
Barbadoes .....	.....	7 Quarters	46 Quarters	4 Bushels	2 Quarters	.....	.....
Nevis.....	.....	.....	.....	.....	.....	.....	.....
Antegoa .....	.....	.....	.....	.....	.....	.....	.....
	Qrs.	Qrs.	Qrs.	Bush.	Qrs.	Qrs.	lb.
	8	34	46	4	2	587	3200

¹⁵⁹ The right of East New Jersey to a seaport under its grants, was long in controversy. A full discussion appears in *N. J. Hist. Soc. Proceedings*, X. 139-146, and numerous references will also be found in *Cal. St. P. Col.*, 1699, *id.*, 1700 (indexed under "Perth Amboy"); and in *N. Y. Col. Docs.* (see index volume under "Amboy"). In January of this year the proprietors sought relief of the Council of Trade, who replied that they could proceed no further in the matter until it was decided what the House of Commons might think fit to do (*Cal. St. P. Col.*, 1700, pp. 34, 67). But the Commons did nothing. Later, in the suit brought by Basse in the case of the *Hester* (*ante*, note 151), the question of New Jersey's rights to the port was reviewed and decided in favor of the proprietors (*Whitehead, N. J. under Proprietary Governments*, p. 206).

The aforesaid account of all corn and grain, exported from the port of London.—*Cont.*

	Wheat meal	Oatmeal	Flour	Bread	Biscuit	Starch
				Cwt. qr. lb.	Cwt. qr. lb.	Cwt. qr. lb.
Hudson's Bay.....					5	
Newfoundland.....		49 Bushels	{ 10 Bushels and { 2,116 lb. Cwt. }	250	35,784	
Cape Coast in Africa.....					10	
New-England.....						143 1 21
New-York.....						30 3 0
Virginia.....					12	1 2 0
Maryland.....			2 Bushels			
Jamaica.....		28 Bushels	24 Quarters			93 0 0
Barbadoes.....	9 Bushels	23 Bushels	2 Bushels	14 1 18	37 1	64 2 19
Nevis.....						13 3 0
Antigua.....		8 Bushels				7 3 0
	Bush.	Bush.	Qrs. Bush. lb.	Ct. Qrs. lb.	Ct. Qrs.	Ct. qr. lb.
	9	108	29 2 2,116	264 1 18	383 3	354 3 12

Cha. Crisp. Collector.

Ordered, that the said accounts do lie upon the table, to be perused by the members of this House.¹⁶⁰ (*Ibid.*, pp. 233-235.)

Mar. 1, HL. The Lord Jeffreys reported from the Lords committees, the bill, intituled, An act for the ship *Martha* of Margam to trade as a free ship, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for the ship *Martha* of Margam to trade as a free ship.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁶¹ (*L. J.*, XVI. 532.)

Mar. 4, HC. Ordered, that the committee of the whole House, to whom the bill for the more effectual suppression of piracy was committed, be discharged of the same; and that the same be committed to a particular committee:¹⁶²

¹⁶⁰ The same account was presented this day to the Lords. *L. J.*, XVI. 530; *MSS. H. of L.*, 1699-1702, pp. 112-113.

The Journal of the Council of Trade and Plantations, Feb. 28, contains this item: "Order of the Committee of the House of Commons, Feb. 28, that the Secretary lay before them the entry of the Instructions from the Government of New York to Col. Palmer and the Agents here about 1685-1687, as also an authentick draught of the country of New York and Hudson's River, read. Directions given for laying before the Committee several papers and the map of the Province of New York lately received from the Earl of Bellomont." *Cal. St. P. Col.*, 1700, p. 98.

¹⁶¹ *C. J.*, XIII. 245. The day before, in the select committee on the bill, a certificate of Sir Edward Mansell was presented, stating the facts of the wrecking of this vessel and its rebuilding (*MSS. H. of L.*, 1699-1702, p. 115). The bill received the royal assent, Apr. 11. *L. J.*, XVI. 579.

¹⁶² Adjournments of the committee of the whole had been made without any consideration of the bill. *C. J.*, XIII. 226, 230, 245.

And it is referred to Mr. Gwyn, Mr. Thursby, Sir Christopher Musgrave, Mr. Hayes, Mr. Clerk, Mr. Pagit, Sir Barth. Showers, Mr. Morris, Mr. Conyers, Mr. Bridges, Mr. Harcourt, Mr. Harley, Mr. Freke, Mr. Monstevens, Mr. Jolliffe, Mr. Molyneux, Mr. St. John, Mr. Scobell, Mr. Duke, Sir Walter Young, Sir Wm. St. Quintin, Mr. Blathwaite, Sir Robert Davers; and all the long robe; and all the merchants of the House; and all that serve for sea-ports: and they are to meet at four a clock this afternoon, in the Speaker's Chamber. (*C. J.*, XIII. 265.)

Mar. 5, HC. Ordered, that Sir Walter Young, Sir Wm. St. Quintin, Mr. Blathwaite, be added to the committee, to whom the bill for the more effectual suppressing of piracy is committed.¹⁶³ (*Ibid.*, p. 267.)

Mar. 5, HL. The Lord Audley reported from the Lords committees, the bill, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, lineal or collateral, notwithstanding their father or mother were aliens, as fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, lineal or collateral, notwithstanding their father or mother were aliens.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁶⁴ (*L. J.*, XVI. 536.)

Mar. 6, HC. Ordered, that the Commissioners for Trade and Plantations do lay before this House an account of what advances they have made towards the improvement of the trade of England.¹⁶⁵ (*C. J.*, XIII. 271.)

Mar. 9, HC. Ordered, that it be an instruction to the committee, to whom the bill for the better suppression of piracy is committed, that they have power to receive a clause to suppress bomb-boats from selling brandy, tobacco, and other things, to the ships in the river of Thames. (*Ibid.*, p. 275.)

Mar. 11, HC. Mr. Solicitor General, according to order, presented to the House a bill to punish governors of plantations here, for crimes by them committed in the plantations: and the same was received; and read the first time.¹⁶⁶

Resolved, that the bill be read a second time to-morrow morning. (*Ibid.*, p. 277.)

Mar. 12, HC. Ordered, that Sir Henry Pickering be added to the committee, to whom the petition of Jeremiah Bass esquire, and John Lofting merchant, against the Earl of Bellamont, is referred.¹⁶⁷ (*Ibid.*, p. 279.)

Mar. 12, HC. A bill to punish governors of plantations here, for crimes by them committed in the plantations, was read a second time.

Resolved, that the bill be committed to Sir Robert Davers, Mr. Solicitor-General, Mr. Heysham, Sir Rowland Gwyn, Mr. Bridges, Mr.

¹⁶³ Cf. preceding entry which contains these same names.

¹⁶⁴ *C. J.*, XIII. 267. The royal assent was given Apr. 11. *L. J.*, XVI. 578.

¹⁶⁵ Presented Mar. 26 (*post*, p. 364); calendared in *Cal. St. P. Col.*, 1700, pp. 131-133.

¹⁶⁶ *Ante*, p. 339, note 101.

¹⁶⁷ *Ante*, p. 355.

Gwynne, Sir Fran. Windham, Sir Cha. Bloys, Sir Barth. Shower, Mr. Hayes, Sir Theoph. Oglethorpe, Mr. Yates, Mr. Clark, Sir John Wynn, Mr. Bristow, Sir Wm. Phippard, Mr. Harley, Mr. Blofeild, Mr. Freke, Mr. Hughes, Mr. Philips, Mr. England, Sir John Philips, Mr. Shallet, Sir Walter Young, Mr. Peirpoint, Mr. Hughes, Mr. Hancock, Sir Robert Edon, Mr. Osbourne; and all the gentlemen of the long robe: and they are to meet to-morrow morning at eight a clock, in the Speaker's Chambers. (*Ibid.*, p. 280.)

Mar. 16, HC. Mr. Blaithwait reported from the committee, to whom the bill for the better suppression of piracy was committed, that they had made several amendments thereunto; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then several of them a second time; and, upon the question severally put thereupon, with some amendments to some of them, agreed unto by the House.

Ordered, that the further consideration of the said report be adjourned till Tuesday morning next. (*Ibid.*, p. 286.)

Mar. 16, HC. The House being informed, that Captain Kidd is sent for home, from the West-Indies;

Resolved, that an humble address be presented to his Majesty, by such members of this House as are of his Majesty's most honourable Privy-Council, that the said Captain Kidd may not be tried, discharged, or pardoned, until, the next session of Parliament; and that the Earl of Bellamont, governor of New-England, may transmit over all commissions, instructions, and other papers, taken with, or relating to, the said Captain Kidd. (*Ibid.*)

Mar. 19, HC. The House resumed the further consideration of the report from the committee, to whom the bill for the better suppression of piracy was committed.

Clause A, that the commissioners shall, after the 29th September 1700. have the sole power of trying, hearing, and determining of piracies, within all the colonies and plantations in America, and of bringing the offenders to condign punishment, being read a second time:

And the question being put, that the House do agree with the committee in the said amendment;

It passed in the negative.

The residue of the amendments being severally read a second time; the same was, upon the question severally put thereupon, agreed unto by the House.

A clause was offered to be added to the bill, that¹⁶⁸

And the same was twice read; and agreed unto by the House to be made part of the bill.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 289.)

Mar. 23, HC. Mr. Mompesson reported from the committee, to whom it was referred to consider what laws are expired, and near expiring, and

¹⁶⁸ The omission is in the *Journals*.

fit to be continued, that they had considered the same accordingly; and had come to several resolutions; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

Resolved, that it is the opinion of this committee, that an act made in the 22d and 23d years of King Charles the Second, intituled, An act to prevent the planting of tobacco in England;¹⁶⁹ and for regulating the plantation-trade; which was continued by an act made in the first year of the late King James;¹⁷⁰ and was further continued by an act made in the 4th and 5th years of his present Majesty and the late queen;¹⁷¹ be continued.

The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill, or bills, be brought in upon the said resolutions: and that Mr. Mompesson do prepare, and bring in, the same.¹⁷² (*C. J.*, XIII. 295.)

Mar. 23, HC. An ingrossed bill for the more effectual suppression of piracy was read the third time.

Resolved, that the bill do pass: and that the title be, An act for the more effectual suppression of piracy.

Ordered, that Mr. Blathwayte do carry the bill to the Lords, and desire their concurrence thereunto.¹⁷³ (*Ibid.*, p. 296.)

Mar. 23, HC. Ordered, that the committee, to whom the bill to punish governors of plantations here, for crimes by them committed in the plantations, is committed, have leave to sit upon Monday morning next. (*Ibid.*)

Mar. 23, HL. *Hodie 1a vice lecta est billa*, intituled, An act for the more effectual suppression of piracy. (*L. J.*, XVI. 558.)

1700.

Mar. 25, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the more effectual suppression of piracy.

Ordered, that the said bill be committed to a committee of the whole House, on Wednesday next. (*Ibid.*, p. 559.)

Mar. 25, HC. Mr. Secretary Vernon acquainted the House, that their address having been presented to his Majesty, that Captain Kidd may not be tried, discharged, or pardoned, until the next session of Parliament; and that the Earl of Bellamont, the governor of New-England, may transmit over all commissions, instructions, and other papers, taken with, or relating to, the said Captain Kidd; his Majesty had been pleased to give directions therein. (*C. J.*, XIII. 297.)

Mar. 26, HC. Mr. Blathwayt, from the Commissioners for Trade and Plantations, presented to the House their answer, pursuant to the order

¹⁶⁹ See vol. I. of this series, p. 371, note 49.

¹⁷⁰ *Ibid.*, p. 428, note 16.

¹⁷¹ *Ante*, p. 67.

¹⁷² 11 and 12 Gul. III. c. 13 (*Statutes*, VII. 600). This continued the above acts for seven years from September 29, 1700. By 5 Geo. I. c. 11, this act was made perpetual.

¹⁷³ *L. J.*, XVI. 557.

of the 6th of March instant, by which they were to lay before the House an account of what advances they have made towards the improvement of the trade of England.

And the title thereof was read: and the account is as followeth; *viz.*

In obedience to an order of this honourable House, dated the 6th instant, requiring from us an account of what advances we have made towards the improvement of the trade of England; we humbly offer,

That his Majesty was pleased, by a commission dated the 15th of May 1696. to appoint commissioners for promoting the trade of this kingdom; and for inspecting and improving his plantations in America, and elsewhere; with several directions and instructions; the chief whereof are as follow:

To examine into, and take an account of, the state and condition of the general trade of England, and of the several particular trades into foreign parts:

To examine what trades are, or may prove, hurtful, and what beneficial, to this kingdom; and by what means the advantageous trades may be improved, and those that are prejudicial discouraged:

To consider by what means profitable manufactures, already settled, may be further improved; and how other new and profitable manufactures may be introduced:

To consider of proper methods for setting on work and employing the poor, and making them useful to the publick:

To inquire into the condition of the plantations, as well with regard to the administration of government there, as in relation to commerce; and how those colonies may be rendered most beneficial to this kingdom:

To inquire what naval stores may be furnished from the plantations; and how the same may be best procured:

To prepare instructions for governors; and to take account of their administration:

To examine the journals of the councils, and the acts or laws made by the respective general assemblies, in order to his Majesty's approbation or disallowance thereof:

To require an account of all money given by the assemblies for publick uses; and how the same is expended:

And to make representations and reports to his Majesty, or the Privy-Council, in writing, as there shall be occasion.

In pursuance whereof, we have proceeded in the manner following

Having further observed, that several of his Majesty's plantations in America applied themselves to the improvement of woollen manufactures in those parts, for the supplying of themselves and neighbours, to the hindrance of the exportation of our English manufactures; we prepared a clause for the preventing thereof; which was presented to this honourable House, and accordingly received, and enacted, the last session of Parliament; and we have since understood, that the said restraint has had a very good effect. . . .

And, for the better preventing other more general inconveniencies apprehended from the East-India trade, we did also, upon another occasion, humbly propose, that the wearing or consumption of the manufactured goods of India, Persia, or China, made of silk or herba,^{173a} or mixed with either of those materials; as also of painted or stained callicoes, and of all handicraft-wares imported from those parts; should be discouraged and lessened in these kingdoms, and in his Majesty's plantations. . . .

Upon occasion of the late treaty of peace at Reswyck, a particular account having been required from us, for the information of his Majesty's plenipotentiaries there, of what had been lost or gained in all his Majesty's colonies and plantations, since the treaty of Breda until that time; we accordingly prepared many particular accounts, not only of what had been lost or gained, as aforesaid, but also of all pretensions, and grounds of differences, between the French and us, with relation to each particular plantation, as also to Newfoundland, Hudson's Bay, the Royal African Company, etc.; which were accordingly transmitted.

Since the conclusion of the peace, we did also, by his Majesty's directions, draw up many memorials for the use of the commissioners appointed by his Majesty, to treat here with commissioners from France, upon all such of the foresaid matters, as, by the treaty of Reswyck, required any further settlement. . . . We have made representations . . . to promote the assiento, or contract for supplying the Spanish West-Indies with negroes; not to mention many others upon private cases in matters of trade. . . .

We have made divers representations for the security and improvement of the Newfoundland trade and fishery, as well during the war, as since the peace; and have constantly every year examined into, and taken an account of, the course and progress of that trade; and now particularly formed instructions, and heads of inquiries, to be given to the commander of the convoy appointed for that fishery, for the due execution of the late act to encourage the trade to Newfoundland, for the better preventing irregularities therein.

We have presented to his Majesty a general state of the trade of this kingdom, with observations thereupon, how we conceive divers advantageous trades may be improved, and prejudicial ones discouraged; a copy whereof has been formerly laid before this honourable House.¹⁷⁴

As to his Majesty's plantations in America, we do further offer, that, within the allegiance of the crown of England, there are twenty several colonies, besides Hudson's Bay and Newfoundland, in which last place there is no governor; each whereof have their distinct governments, councils, and assemblies, by whom particular laws, and rules of government, are passed and enacted; some of which colonies are governed by his Majesty's immediate commission, and others by proprietors and charters.

The business relating to these plantations is managed by a constant correspondence with all the governors appointed by his Majesty's immediate

^{173a} A tough grass from which cloth of various kinds was made. Capt. Alex. Hamilton, *New Account of East Indies* (1727), I. 393.

¹⁷⁴ *Ante*, p. 265.

commission, and occasionally with all the rest; in the course whereof they send us journals of their councils, assemblies, and other publick proceedings, with accounts of all things whatsoever relating to each of their governments; all which are considered by us for the necessary orders to be returned thereupon; and, more particularly, the many acts or laws of the several assemblies transmitted from thence fall under our examination; and, after our consulting his Majesty's counsel learned in the law, as to the legal part, our reports are made thereupon to his Majesty in his Privy-Council, for his royal assent, or disallowance thereof; with particular regard to the interest and improvement of the trade of England, as well as the good of those plantations.

We have, since our constitution, prepared draughts of commissions and instructions for all the governors of his Majesty's plantations.

We have, upon several occasions, proposed to his Majesty the appointing of convoys for the plantations, and of ships of war necessary to attend and protect the trade of those plantations: and, upon the complaints of the inhabitants there, or merchants in England, of hardships in the pressing of men, and otherwise, by captains of men of war in those parts, we have presented to his Majesty regulations therein, which have had a good effect.

Upon information from the officers of his Majesty's customs in the plantations, and others, of the partiality of the people there, and more particularly in the propriety governments, in all tryals upon the acts of trade wherein their private interest is concerned, and of the difficulties in the obtaining any execution of those acts in the former method; we did represent the usefulness of courts of admiralty in the plantations: upon which such courts have been erected; and, where they have not been disputed, have proved of great encouragement to legal trade.

Being informed, by many instances, of the great countenance given to pirates in some of the plantations, and chiefly in the proprieties, and charter-governments, by fitting out their ships from thence, and furnishing them with all sorts of provisions and ammunition, and receiving them, with their plunder and booty, at their return, and acquitting them upon feigned tryals; we did make several representations thereupon; and proposed the enacting of laws there, for the tryal and punishment of pirates, in conformity to a law heretofore passed in Jamaica to that effect: which having been refused in the said proprieties, and charter-governments, we proposed, as the only remedy for so great an evil, the offering a bill in Parliament for that purpose; wherein we consulted Sir Charles Hedges, judge of his Majesty's High Court of Admiralty; by whose great care and assistance such a bill has been prepared, and is now lying before this honourable House.

And, being further sensible of the great irregularities in the proprieties, and charter-governments, not only in reference to illegal trade and piracy, but otherwise, we have, upon several occasions, represented the same to his Majesty: and an act of Parliament having passed, whereby the governors of those plantations are obliged to have his Majesty's approbation, for their acting in that capacity; we required all the said proprietors and

governments to present their respective governors to his Majesty; and, in order to his approbation of them, to give security for their due observing the acts of trade, according to an address presented to his Majesty, by the right honourable the House of Lords, for that purpose: but all the said proprietors here having declined to give any such security; and only two charter-governments, *viz.* Connecticut, and Rhode-Island, having lately done it in America; and not any one of those governors being at present qualified by his Majesty's approbation of them, as required by the said act of Parliament; we do not see any thing, without some further provision by Parliament, capable to reduce them to a more regular conduct, and compliance with their duty, in reference to the trade of England.

We have also, upon occasion, represented the misdemeanors, and ill conduct, of some governors of plantations acting by his Majesty's immediate commission.

We have made many representations in defence of his Majesty's title to several islands in America, claimed by foreign princes; of which one is a claim made by the Elector of Brandenburg to the island of New Tertholen,^{174a} lying amongst his Majesty's Leeward Caribbee Islands; one made by the French King, to the island of Santa Lucia, lying amongst the Windward Caribbee Islands; one made by the French King, to the island of Tobago, one of the Windward Caribbee Islands; and another by the Duke of Courland, to the same island.

Having been required, this session of Parliament, by the right honourable the House of Lords, to lay before their Lordships our opinion, how consistent the colony at Darien may be with the treaties with Spain, and the trade of this kingdom; we did accordingly make our humble report therein; which, we presume, was satisfactory, their Lordships having made an address to his Majesty to the same effect.

We have made several representations relating to the boundaries between his Majesty's plantations, and those of the French, upon the continent, particularly in the north-eastern parts of New-England, where they have endeavoured to encroach upon us both as to the land and fishery.

Upon controversies that have happened between some of his Majesty's colonies, and others, relating to their boundaries; especially between his Majesty's governments and proprietries; and upon different claims that have been set on foot to some whole provinces, we have examined all their respective titles; and the necessary instructions have been given by his Majesty thereupon.

We have often represented the necessity of preserving the friendship of the Five Nations of Indians, which are a barrier between his Majesty's plantations and Canada, by treating them kindly, and shewing them a force constantly maintained in New-York, ready to protect them upon all occasions.

We have applied ourselves to the promoting the importation of naval stores from New-England, and other his Majesty's plantations: and, for the carrying on so good a design, his Majesty has been pleased, upon our

^{174a} Tortola. Concerning title to this island, see *Cal. St. P. Col.*, 1696-1697, pp. 201, 247, 620.

applications, to order the Navy-Board to send commissioners to New-England, who have been likewise joined with commissioners of that colony, for the viewing and inspecting the woods lying upon that coast, for providing his Majesty's navy with masts, and other necessary materials for building of ships, as also with pitch, tar, and rosin, of which great quantities may be produced in those parts; and some specimens of each, sent by the said commissioners, are lately arrived, and now under the examination of the Navy-Board.

These being the chief particulars about which our time has been and is daily taken up, besides the frequent applications of merchants, and of the persons concerned in the plantations, with the constant accession of the like business; we thought it our duty to lay as short an account thereof before this honourable House, as the nature of each particular would bear.

All which is humbly submitted.

STAMFORD,
LEXINGTON,
PH. MEADOWES,
WM. BLATHWAYT,

JOHN POLLEXFEN,
GEORGE STEPNEY,
ABR. HILL.

Whitehall, March the 22. 1699/1700.

Ordered, that the said answer do lie upon the table, to be perused by the members of the House. (*C. J.*, XIII. 298-301.)

Mar. 27, HC. Mr. Solicitor-General reported from the committee, to whom the bill to punish governors of plantations here, for crimes by them committed in the plantations, was committed, that they had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 302.)

Mar. 27, HC. Mr. Mompesson, according to order,¹⁷⁵ presented to the House a bill for continuing several laws therein mentioned: and the same was received; and read the first time.

Resolved, that the bill be read a second time to-morrow morning. (*Ibid.*, p. 303.)

Mar. 27, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for the more effectual suppression of piracy.

After some time, the House was resumed.

And the Earl of Stamford reported, that the committee had gone through the said bill, with some amendments.¹⁷⁶

¹⁷⁵ Mar. 23, *ante*.

¹⁷⁶ The committee added section 15, which declared that if any of the plantation governors, or any person in authority there, should refuse to yield obedience to the act, such refusal would be declared a forfeiture of the charters granted for the government or propriety of such plantation (*Statutes*, VII. 593); and also amended section 18, by inserting the date, and by substituting certain phrases for others. *MSS. H. of L.*, 1699-1702, pp. 136-137.

Which were read thrice, and agreed to; and ordered, that the said amendments be engrossed. (*L. J.*, XVI. 561.)

Mar. 28, HC. An ingrossed bill to punish governors of plantations in this kingdom, for crimes by them committed in the plantations, was read the third time.

Resolved, that the said bill do pass: and that the title be, An act to punish governors of plantations in this kingdom, for crimes by them committed in the plantations.

Ordered, that Mr. Solicitor-General do carry the bill to the Lords, and desire their concurrence thereunto. (*C. J.*, XIII. 304.)

Mar. 28, HC. A bill for continuing several laws therein mentioned was read a second time.

Resolved, that the bill be committed to Sir Wm. Blacket, Sir Rob. Davers, Sir Rowl. Gwynne, Sir Wm. Villers, Sir Tho. Davall, Sir Robert Edon, Mr. Shallet, Mr. Moor, Mr. Fleming, Mr. Bernardiston, Mr. Yates, Sir Willo. Hickman, Mr. Hancock, Mr. Blofeild, Mr. Hughes, Mr. Car, Mr. Mompesson, Sir Cha. Hotham, Mr. Stockdale, Mr. Vane, Mr. Lowther, Mr. Davy, Mr. Worsley, Mr. Chace; and all the gentlemen of the long robe, and that serve for the sea-port towns: and they are to meet this afternoon at four a clock, in the Speaker's Chambers. (*Ibid.*)

Mar. 28, HL. *Hodie 3a vice lecta est billa*, intituled, An act for the more effectual suppression of piracy.

The question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir John Francklyn and Sir Robert Legard:

To return the said bill, and desire their concurrence to their Lordships amendments.¹⁷⁷ (*L. J.*, XVI. 562.)

Mar. 28, HL. *Hodie 1a vice lecta est billa*, intituled, An act to punish governors of plantations in this kingdom, for crimes by them committed in the plantations. (*Ibid.*, p. 563.)

Mar. 30, HC. Mr. Mompesson reported from the committee, to whom the bill for continuing several laws therein mentioned was committed, that they . . . had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and afterwards a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, XIII. 306.)

Apr. 1, HC. An ingrossed bill for continuing several laws therein mentioned was read the third time. . . .

Resolved, that the bill do pass: and that the title be, An act for continuing several laws therein mentioned; and for explaining the act, intituled, An act to prevent the exportation of wool out of the kingdoms of

¹⁷⁷ *C. J.*, XIII. 305.

Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

Ordered, that Mr. Mompesson do carry the bill to the Lords, and desire their concurrence thereunto.¹⁷⁸ (*Ibid.*, p. 307.)

Apr. 1, HC. The House proceeded to take into consideration the amendments, made by the Lords, to the bill, intituled, An act for the more effectual suppression of piracy.

And the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House; and are as follow; *viz.*

2 skin, 1st line, leave out "or pretend to have any".

5 skin, 36 l. leave out "and pretend to have".

9 skin, 28 l. add clause A, after the word "notwithstanding".

At the end of the bill add clause B.

A: "And be it enacted, that if any of the governors in the said plantations, or any person or persons in authority there, shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or propriety of such plantation."

B: "And be it further enacted, by the authority aforesaid, that in case any master of a merchant-ship or vessel shall, after the 29th day of September 1700. during his being abroad, force any man on shore, or wilfully leave him behind, in any of his Majesty's plantations, or elsewhere; or shall refuse to bring home with him again all such of the men which he carried out with him, as are in a condition to return, when he shall be ready to proceed in his homeward-bound voyage; every such master shall, being thereof legally convicted, suffer three months imprisonment, without bail or mainprize."

Ordered, that Mr. Blathwaite do carry the bill to the Lords, and acquaint them, that this House hath agreed to the said amendments.¹⁷⁹ (*Ibid.*, pp. 307-308.)

Apr. 1, HL. *Hodie 2a vice lecta est billa*, intituled, An act to punish governors of plantations in this kingdom, for crimes by them committed in the plantations.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee thereupon.

The House was resumed.

And the Lord Herbert reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act to punish governors of plantations in this kingdom, for crimes by them committed in the plantations.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

¹⁷⁸ *L. J.*, XVI. 564.

¹⁷⁹ *Ibid.* The House assent was given, Apr. 11. *Ibid.*, p. 578.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹⁸⁰ (*L. J.*, XVI. 563-564.)

Apr. 1, HL. *Hodie 1a* and *2a vice lecta est billa*, intituled, An act for continuing several laws therein mentioned; and for explaining the act, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts; and for the encouragement of the woollen manufactures in the kingdom of England.

Ordered, that the said bill be committed to a committee of the whole House, to-morrow. (*Ibid.*, p. 564.)

Apr. 2, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for continuing several laws therein mentioned; and for explaining the act, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

After some time, the House was resumed.

And the Lord Ferrers reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for continuing several laws therein mentioned; and for explaining the act, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, that the Lords have agreed to the said bill, without any amendment.¹⁸¹ (*Ibid.*, p. 565.)

Apr. 6, HC. A petition of John Degrave and Francis Minshall, in behalf of themselves, and others, owners of the ships taken up by the transport . . .¹⁸² to carry provisions to Newfoundland, was presented to the House, and read; setting forth, that the petitioners, upon the refusal of other merchants, did contract with the commissioners for transportation, in July 1697, to carry provisions to Newfoundland, to preserve the country from starving; and were to be paid out of that year's funds: and the petitioners performed their contract, as, by the accounts stated by the said commissioners, whom, as also the commissioners of the treasury, the petitioners have solicited, but can obtain no satisfaction for what is due

¹⁸⁰ *C. J.*, XIII. 311. The royal assent was given Apr. 11.

¹⁸¹ *Ibid.*, p. 313. Royal assent, Apr. 11. In the Commons this day there was also passed a bill for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland and by a land tax in England for the several purposes therein mentioned (*ibid.*, p. 311). The Lords passed it on Apr. 8 (*L. J.*, XVI. 572). Section 143 provided that the plantation duties for one year, from Mar. 31, 1700, should together with other monies be appropriated for sea and land service. 11 and 12 Gul. III. c. 2 (*Statutes*, VII. 578).

Apr. 4, the Commons, receiving the report on a bill for laying further duties on silks, muslins, and other East India commodities, rejected a clause making it lawful to import cowries (species of sea-shells), for the purpose of purchasing negroes upon the coast of Africa. *C. J.*, XIII. 313.

¹⁸² The omission is in the *Journals*. For a former petition concerning this same matter, see under Jan. 22, *ante*.

to them: and praying, that the said debt may be stated with the Irish transport-debt, in order to the payment thereof.

Ordered, that the said petition do lie upon the table. (*C. J.*, XIII. 317.)

Apr. 8, HC. Mr. Secretary Vernon acquainted the House, that he having presented an address to his Majesty concerning Captain Kidd; his Majesty had commanded him to acquaint the House, that his Majesty having received an account of the arrival of Captain Kidd in the Isle of Lundy, by a ship which the Lords of the Admiralty had sent to fetch him, which was bound for the Downs; his Majesty had ordered a yacht¹⁸³ to be sent to the Downs, in order for the bringing him up: and that the Commissioners of the Admiralty were likewise directed to send their marshal to take him into his custody. (*Ibid.*)

[Apr. 8], HC. The scheme we had laid about Kidd is overturned: I told it to his Majesty before he went to the Cabinet Council, who approved of it, but said I must acquaint the House with it the next morning. I answered, that I was afraid they had cut out other work for that day, and I did not know but they would look upon this information as an artifice to divert them, which would rather have an ill effect with them: however when my Lord Jersey read his letter from Captain Wynn, who has Kidd on board, and thereupon received his Majesty's directions to write to the Admiralty about sending a yacht and their marshal for him, I was commanded at the same time to give an account of it to the House, which I did accordingly, yesterday. I had no sooner done it, but *Colonel Churchill* rises up and tells the House, that the Admiralty, upon the directions they had received from my Lord Jersey, had ordered a yacht to the Downs, but their board were under a difficulty how to behave themselves when Kidd was brought up. Some of them thought (which was my Lord Haversham, though he did not name him) that they ought not to commit him till they had first taken his examination.

The House thought there was some trick at first in laying this before them, and I thought they would have taken no notice of it at all, and

¹⁸³ Yacht. Apr. 6, Vernon wrote to Shrewsbury: "I had a letter yesterday from Captain Wynn, the Commander of the *Advice* Frigate, who was sent for Kidd, giving an account that he had brought him, and about thirty pirates more, with the plunder that had been recovered from them. The ship has unluckily missed the channel, and was at Lundy's Island in the Irish Channel, when the letters were writ. He says he will get about as soon as he can, but I wish he were here now before the Parliament rises; that they might take his examination, and determine what should be done with him.

"If this fellow is to lie in prison the whole summer, one cannot tell what lesson he may be taught by winter; whereas, if he were examined by members immediately upon his arrival, the naked truth would appear, and some people's jealousies would be found groundless; but we are so near the end of a session, that we can't have so good an effect. . . .

"I spoke of Kidd's arrival to Sir Edward Seymour, and other members of the House. I find if he were now here, they would reserve him to another session, as thinking it too late, at a close of a session, to enter upon that examination.

"I have likewise seen my Lord Orford, and we agree in opinion, that the King should be moved to send a yacht to the Downs, to wait for Captain Wynn's arrival, and to bring up Kidd from on board him; that he should be sent for from Greenwich by a guard; that he be brought to Whitehall, and a Committee of the Council be appointed to meet immediately upon it, and take his examination; and that he then be committed for piracy to the Marshalsea, that being the Admiralty prison. I shall propose it to-morrow at the Council, but I will first speak to my Lord Chancellor, who has not stirred out all this week." James, *Letters of the Reign of William III.*, III. 6, 8-9.

certainly they would not if Churchill had not been talking with some of them beforehand; at last, *Harley* said, the examination ought not to be left to any that were suspected as an accomplice of the crime. *Sir Christopher Musgrave* said, if the House were sitting when Kidd arrived he ought to be brought to their bar; or, in the interval of Parliament, if an examination were taken, it should be by the Admiralty, who had him in custody, and his papers ought to be in their hands. . . . (James, *Letters Illustrative of the Reign of William III.*, III. 11-12.)¹⁸⁴

¹⁸⁴ Vernon to Shrewsbury, Apr. 9. See also same to same, *ibid.*, pp. 18, 26-29, 30-35, 117-118, III. 32-33, 127; and letters of Bellomont and other papers on the subject of Kidd in Hist. MSS. Comm., *Portland MSS.*, VIII. 65-83.

The session ended Apr. 11. Dec. 19 this Parliament was dissolved. *C. J.*, XIII. 323; *L. J.*, XVI. 589.

WILLIAM III.: FIFTH PARLIAMENT.

Session of February 10, 1700/1–June 24, 1701 (12–13 Gul. III.).

1700/1.

Feb. 27, HL.¹ Upon reading the petition of John Norris; shewing, that he is suspended, by his Majesty's command, from his employment, pursuant to the address of this House, and ready to attend their Lordships according to order; and praying, that he may be restored to the favour of this House, in order to serve the king and kingdom in such a station as his Majesty shall think most proper in this conjuncture:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that a copy of the address of this House, of the seventeenth of April one thousand six hundred ninety-nine, shall be delivered to the said John Norris; and that he shall be heard, at the bar of this House, on Tuesday next, at eleven of the clock; and that Captain Desborow do then also attend; and they have hereby leave to bring such witnesses as they shall think fit. . . .

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the commissioners for executing the office of Lord High Admiral of England do issue out their orders of summons, to Captain Cranby, Captain Cleasby, Captain Trevanion, and such others as Captain John Norris shall desire to be summoned as witnesses on his behalf, to attend this House, on Tuesday next, at eleven of the clock in the forenoon; and the like orders to be issued for such witnesses as Captain Desborow shall desire to be summoned on his behalf.² (*L. J.*, XVI. 609.)

¹ Feb. 19, a list was presented to the Commons of all the ships and vessels of the navy, showing the station of each. According to this, the *Advice* and *Arrundell* were in New England, the *Fowey* and *Margate* at Jamaica, the *Ludlow* at Barbados, the *Shoreham* in Virginia, *Deal Castle* in the Leeward Islands, the *Messenger* in Maryland. The *Assistance*, *Southampton*, *Gosport*, *Scarborough*, *Seahorse*, and *Eagle Advice Boat* had been ordered to the plantations, but could be detained if the service required it. *C. J.*, XIII. 339–342.

² *Ante*, pp. 233 n., 249. "There seems little new in the evidence brought before the House on this occasion. Norris explained that, although personally anxious to attack the French squadron, he did not go out of St. John's because he had been instructed to be guided by the opinion of the Council of War. The Council, which was composed of both naval and military officers, decided that the fleet should stay in harbour. Cranby, one of Norris's witnesses, informed the House that the military officers were responsible for this decision, because they believed that the French ships belonged to Nesmond's squadron, which was supposed to outnumber the English vessels. No answer was given to the somewhat pertinent question, 'How came the land officers to be judges?' Evidence was given to prove that the ships were clear and ready for action. Norris informed the House that Desborow was tried by court martial because he had taken 3 days to bring news to St. John's of the whereabouts of the French ships. As a result of this inquiry the House, probably considering that Norris had acted within the letter of his instructions and had been sufficiently punished by 2 years' suspension, decided to address the King to reinstate him in his command. Twelve Lords protested against this Resolution. . . ." *MSS. H. of L.*, 1699–1702, p. 180 n.; for accounts of the hearings before this committee see *ibid.*, pp. 180–183; and see also *post*, pp. 376–377.

Mar. 4, HL. Captain Norris and Captain Desborow attending at the door, according to the order of the seven and twentieth of February last, were called in.

And the said Captain Norris being heard by himself and witnesses, what they could say to induce the House to move the king to take off the suspension he lay under, in pursuance of an address of this House to his Majesty; and the said Captain Desborow having leave to ask such questions of the said witnesses in relation to the said matter as he thought fit:

The further consideration thereof was adjourned to Thursday next; when all such witnesses as either of them hath to produce may be heard, what they have more to offer.³ (*L. J.*, XVI. 613.)

Mar. 6, HC. Ordered, that the examinations, instructions, and also all other papers, transmitted from the Earl of Bellomont, relating to Captain Kidd, be laid before the House, by the commissioners for executing the office of Lord High Admiral of England. (*C. J.*, XIII. 379.)

Mar. 7, HC. The House being informed, that the secretary of the commissioners for executing the office of Lord High Admiral of England attended, with several papers, according to order;

He was called in; and, at the bar, presented to the House several papers relating to Captain Kidd; and a schedule of them.

And then he withdrew. (*Ibid.*, p. 380.)

Mar. 7, HL. Upon reading a petition of Captain Norris; and also a petition of Captain Desborow:⁴

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the further consideration of the said petitions, and the adjourned debate relating to the said Captain Norris, be taken up to-morrow morning; and that the Commissioners of the Admiralty may have a copy of Captain Desborow's petition. (*L. J.*, XVI. 615.)

Mar. 8, HL. After reading Captain John Norris's petition of the seventh instant, as also his instructions from the Admiralty, and some councils of war on board, at Newfoundland; and long debate upon the whole matter:

This question was proposed, whether Captain John Norris having lain near two years under a suspension, upon an address from this House to his Majesty, that an address shall be made to his Majesty, to take off the suspension he lies under?

Then this question was put, whether this question shall be now put?

It was resolved in the affirmative.

Then the main question was put, whether Captain John Norris having lain near two years under a suspension, upon an address from this House to his Majesty, that an address shall be made to his Majesty to take off the said suspension he lieth under?

It was resolved in the affirmative.

³ The testimony of this hearing is given in *MSS. H. of L.*, 1699-1702, pp. 180-182.

⁴ Desborow complained that he had not received redress or reparation, that he was out of pay for over three years, and his losses in all amounted to over £2000; and that Norris had unjustly detained the shares of prizes taken in the Newfoundland expedition to the value of more than £40,000. Norris insisted that he had been in favor of putting out to sea but thought he was bound by the decision of the council of war. *Ibid.*, p. 183.

Dissentient.

For that Captain Norris having been accused by many witnesses, upon oath, of great neglect of his duty, in not attacking Monsieur Ponty's ships, in Conception Bay, notwithstanding the intelligence given of them to him by Captain Desborow, Cumberbatch, and several prisoners, and of pestering his ship with prize goods, which he had embezzled; and thereupon this House having made an address to his Majesty, to order Captain Norris to attend this House, to answer such matters as had been so objected against him, and that, in the mean time, he should be suspended from his employment; which his Majesty has been pleased to order: and accordingly Captain Norris having appeared before us; but the matters not having been fully examined, by hearing at this time the witnesses either against him or for him, we conceive it very improper to make any such address in his favour, he being (for all that yet appears to us) guilty of the matters charged upon him: and we are the more convinced of this, because the motion made for remitting Captain Norris to a trial, by a council of war, was not accepted; and besides the unreasonableness of passing any sentence of acquitting a man accused upon oath, without a full hearing of the cause, we think it also of very dangerous consequence, that, in this conjuncture especially, a man should be capable of being employed in so important a station as in the fleet, who lies under the heavy charge of embezzeling prizes, and pestering his ship with them, and of failing to attempt a service, which would have been of vast advantage to us, and prejudice to our enemies. LEEDS, WILLUGHBY, NORMANBY, NOTTINGHAM, HOWARD, TORRINGTON, JEFFREYS, OXFORD, THANET, WEYMOUTH, GRANVILLE, POULETT.

The House agreed, that the address of this House to his Majesty, the seventeenth of April, one thousand six hundred ninety-nine, so far as it concerns Captain Desborow's being recommended to his Majesty's favour, shall be renewed.

Ordered, that the Lords with white staves do attend his Majesty, with the address. (*Ibid.*, pp. 616-617.)

Mar. 10, HL. Resolved, that Captain Norris having lain near two years under a suspension from his command at sea, upon an address from this House to his Majesty, his Majesty be humbly desired to take off the said suspension.

And whereas this House hath formerly made an address to his Majesty, on the behalf of Captain Desborowe, that he might be restored to his Majesty's favour, and his own just rights, which he hath not been so happy to receive the effects of; this House does humbly renew their said address, that his Majesty would be pleased to give effectual orders that Captain Desborow may receive the full advantage and benefit of their former application on that occasion.

Ordered, that the Lords with white staves do attend his Majesty, with the said address.⁵ (*Ibid.*, pp. 617-618.)

⁵ Mar. 11, the king replied, "that he would restore Captain Norris, and will give order that Captain Desborow be restored to his just rights" (*L. J.*, XVI. 619). The same day Sir David Mitchell upon being asked whether Desborow had been restored to his command, informed the House that he had a bigger ship than before (*MSS. H. of L.*, p. 183). Norris was afterwards knighted and made an admiral.

Mar. 12, HL. The order being read, for taking into consideration the treaties now lying before this House; the several translations of treaties were read, as follows:

1. The treaty of defensive alliance between England and Holland, 3d March, 1677/8.

2. The renewal of the treaties between England and the States Generall of the United Provinces, 17th August, 1685.

3. The renewal of the treaties of alliance between England and Holland, 24th August, 1689.

4. Ratification of the treaty at Ryswick.⁶

5. Convention between England, Sweden, and Holland, 4/14 May, 1698.

6. Treaty between England, Sweden, and the States Generall, in January, 1699/1700.

7. Separate Articles between England, Sweden and Holland, 13/23 January, 1699/1700.

8. Ratification of the treaty.

9. The ratification of the separate article.

10. The ratification of the secret article.

11. The king's declaration.

12. The dauphin's declaration.

After which, the House came to this agreement:

That the Lord Chamberlain⁷ do humbly move his Majesty, that all matters or papers any way relating to the negotiations of the treaties be laid before this House. (*L. J.*, XVI. 619-620.)

Mar. 12, HC. Ordered, that the Commissioners for Trade and Plantations do lay before this House an account of their proceedings for improvement of trade, since the 21th of March 1699. being the time of the delivery of their last account.⁸ (*C. J.*, XIII. 399.)

Mar. 14, HC. Ordered, that the papers which were laid before this House, from the commissioners for executing the office of Lord High Admiral of England, relating to Captain Kidd, do lie upon the table, to be perused by the members of the House.

They are in a bag by themselves.

Ordered, that the journals of the council for New-England and New-York, which have been transmitted to the Commissioners of Trade and Plantations, since the government of the Earl of Bellomont there, be laid before this House. (*Ibid.*, p. 405.)

⁶ Signed at Fontainebleau, Oct. 3, 1697. The treaty itself was signed Sept. 20. See F. G. Davenport, *European Treaties*, II., docs. 81, 84; and *MSS. H. of L.*, pp. 220-224, 232-238.

⁷ Edward Villiers, first earl of Jersey. The treaties now under consideration were the Partition Treaties, the second of which had been signed in February, 1700. The consideration of the treaties on Mar. 14 showed the dissatisfaction of the Lords with the negotiations, and a motion was made "to represent to the King that anything of this nature may be prevented for the future. This method of acting is not agreeable to our Constitution." Finally an address, in which the Commons concurred, was drawn up on Mar. 20, protesting against the manner in which the Partition Treaty had been made, and requesting the king in the future "to impart all affairs, both at home and abroad", to a council of his natural-born subjects. *Ibid.*, pp. xix-xxi, 221-224; *L. J.*, XVI. 622, 623, 624, 625, 626, 628-629; *C. J.*, XIII. 410-412, 419, 425, 462, 465, 484, 489, 490.

⁸ *Ante*, p. 364. The account here ordered was presented Mar. 29 (*post*, p. 382).

Mar. 17, HC. Ordered, that such of the papers relating to Captain Kidd, as came from the commissioners for executing the office of Lord High Admiral of England, sealed up, be opened.

And the private examinations of Captain Kidd, before the said commissioners, were opened accordingly, and read.

Ordered, that the said examinations do lie upon the table, to be perused by the members of the House.

Also a packet, sealed up, was opened, wherein were several other packets, or letters, sealed up.

Ordered, that the said packet be again sealed up. (*Ibid.*, p. 409.)

Mar. 20, HC. Ordered, that a committee be appointed to inspect the papers delivered in from the commissioners for executing the office of Lord High Admiral of England, relating to Captain Kidd; and to collect and report to the House, what relates to the said Captain Kidd therein:

And it is referred to the Lord Marquis of Hartington, Sir Edward Stradling, Sir Rowland Gwyn, Mr. Conyers, Sir Barth. Shower, Mr. Hamond, Sir Cha. Hotham, Colonel Lee, Mr. Clark, Mr. Mounstevens, Earl of Disert, Mr. Jennings, Colonel Granville, Mr. Hysham, Mr. Attorney-General,⁹ Mr. Scobell, Sir Jo. Leveson Gower, Sir Jos. Tredenhams, Mr. Cotton, Mr. Walpole, Sir John Kay, Lord Cornbury, Mr. Duke, Sir Sam. Barnardiston, Mr. Roberts, Mr. Pierpoint, Mr. Clayton, Mr. St. John, Mr. Bridges, Mr. King, Mr. Paget, Sir Hump. Mackworth, Sir Chr. Musgrave, Mr. Rowney, Sir Rich. Onslow, Sir Tho. Hales, Sir Jos. Jekyll, Mr. Harvey, Sir Walter Young, Mr. Meredeth, Sir Edward Seymour, Mr. Henley, Mr. Soame, Mr. Chetwynd, Mr. Boscawen, Mr. How, Mr. Winington, Sir Jacob Astley, Mr. Prideaux, Sir Cha. Bloys, Mr. Ogle, Sir Henry Johnson, Lord Fairfax, Sir Godfrey Copley, Mr. Herne, Mr. England, Colonel Bierly, Mr. Rolt, Mr. Gwyn, Sir Cha. Turner: and they are to meet this afternoon at five of the clock, in the Speaker's Chambers; and to sit *de die in diem*. (*Ibid.*, p. 416.)

Mar. 22, HC. Mr. Blathwaite, according to order, presented to the House an extract of the minutes of the council of Massachusetts-Bay, since the Earl of Bellomont's government, relating to Captain Kidd: and also,

An extract of the minutes of the council of New-York, since the Earl of Bellomont's government, relating to Captain Kidd.

Which extracts are bound up with the other papers of this session.

Ordered, that the said extracts do lie upon the table, to be perused by the members of the House. (*Ibid.*, p. 424.)

Mar. 24, HC. A petition of Cogi Babba, on behalf of himself, and other Armenians, inhabitants of Chulsa, the suburb of Spahaw, and subjects to the King of Persia, was presented to the House, and read; setting forth, that the petitioners freighted a ship, called the *Karry-Merchant*,¹⁰ from Surrat to Bengall, and to return to Suratt: that she went to Bengall, where the petitioners loaded upon her, at prime cost, to the value of 400,000 rupees, besides 40,000 rupees, the cost of the ship; which was

⁹ Sir Thomas Trevor, afterwards Lord Trevor.

¹⁰ *Quedah Merchant*, Kidd's chief prize. The French pass of this ship is in *C. J.*, XIII. 21. Spahaw (Spahan) means Ispahan.

all taken, and carried away, by Captain Kidd, on the ship's returning to Suratt, about February 1697: and praying, that Captain Kidd may be examined touching the premises, and the petitioners relieved concerning the same.

Ordered, that Captain Kidd be examined, at the bar of this House, upon Thursday morning next.

Ordered, that Mr. Speaker do issue his warrant to the keeper of Newgate, to bring Captain Kidd to this House, upon Thursday morning next.

Ordered, that the committee appointed to inspect the papers delivered in from the commissioners for executing the office of Lord High Admiral of England, relating to Captain Kidd, and collect and report to the House what relates to Captain Kidd therein, do sort the said papers; and report to the House what of them relate to Captain Kidd, upon Thursday morning next.

Ordered, that [blank] Bolton¹¹ be summoned to attend this House upon Thursday morning next, in order to his examination in relation to Captain Kidd.

Ordered, that the petitioner Cogi Babba do attend this House upon Thursday morning next, with such evidences as he hath, in order to make out the matter of his petition. (C. J., XIII. 424-425.)

1701.

Mar. 27, HC.¹² Sir Humphry Mackworth, according to order, reported from the committee, who were appointed to sort the papers delivered in from the commissioners for executing the office of Lord High Admiral of England, relating to Captain Kidd, and report to the House what of them related to the said Captain Kidd; that they had sorted the same accordingly, and divided the same into two parcels; those which relate, and those which do not relate, to the said Captain Kidd. And he delivered the same in at the clerk's table.

Then Captain Kidd's private examinations, taken before the commissioners for executing the office of Lord High Admiral of England, were read.

And Captain Kidd being brought by the keeper of Newgate, according to order, was called in:

And the petition of Cogi Babba, formerly presented to the House, was again read.

And the said Captain Kidd was examined.

And then he withdrew.

¹¹ Henry Bolton, who had been returned from Jamaica to England under charges of piracy. For an account of his relations with Kidd see Jameson, *Privateering and Piracy*, pp. 245-249.

¹² Mar. 26 the paymaster of his Majesty's forces presented to the Commons a statement of his accounts, in which appear the following items:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Duke of Bolton's West India regiment.....	12,094	10	3
Four companies at New York.....	20,760	17	8
Company in the Leeward Islands.....	6,325	14	3
Company at Newfoundland.....	565	17	0

And several letters from the Earl of Bellomont, and also from Captain Kidd, were read.

And he was again called in; and examined.

And then withdrew.

Ordered, that Captain Kidd be remanded to the prison of Newgate.

Resolved, that this House will, to-morrow-morning, take into consideration the patent, commissions, and instructions to Captain Kidd.

Ordered, that Sir Edmund Harrison, named in the said examinations and letters, do attend this House to-morrow morning. (*Ibid.*, pp. 441-442.)¹³

Mar. 28, HC. The House, according to order, proceeded to take into consideration the patent, commissions, and instructions, to Captain Kidd:

And the House being informed, that Sir Edmund Harrison attended, according to order;

He was called in; and examined.

And then he withdrew.

And the articles between the Earl of Bellomont, Robert Livingston, and Captain Kidd, dated October the 10th, 1695. were read: and also,

The commission to Captain Kidd, from the commissioners for executing the office of Lord High Admiral of England, dated December the 11th, 1695: and also,

His Majesty's commission to Captain Kidd, under the great seal, dated January the 26th, 1695: and also,

The sailing orders to Captain Kidd, dated February the 25th, 1695: and also,

An indenture of covenants, between his Majesty and the said grantees, dated May the 22d, 1697: and also,

The grant to the Earl of Bellomont, and others, dated the 27th of May 1697.

Which articles, and sailing orders, are as follow:—The other four being entered in the Journal of the 4th of December 1699. . . .¹⁴

¹³ In an account of all grants made between Feb. 6, 1684, and Nov. 5, 1688, presented to the Commons this day, there is mention of a grant to Hugh Noden of lands in Bermuda, forfeited to Charles II. by Row, Holland, and Danvers. *Ibid.*, p. 437.

¹⁴ *Ante*, p. 312. The agreement between Bellomont, Livingston, and Kidd, is also printed in *N. Y. Col. Docs.*, IV. 762-765. The sailing orders (*C. J.*, XIII. 446), are as follows:

"London, 25th February 1695/6.

"Captain William Kidd.

"You being now ready to sail, I do hereby desire and direct you, that you and your Men do serve God in the best Manner you can: That you keep good Order, and good Government, in your Ship: That you make the best of your Way to the Place and Station where you are to put the Powers you have in Execution: And, having effected the same, you are, according to Agreements, to sail directly to Boston in New-England, there to deliver unto me the Whole of what Prizes, Treasure, Merchandizes, and other Things, you shall have taken by virtue of the Powers and Authorities granted you: But if, after the Success of your Design, you shall fall in with any English Fleet bound for England, having good Convoy, you are, in such Case, to keep them Company, and bring all your Prizes to London, notwithstanding any Covenant to the contrary in our Articles of Agreement. Pray fail not to give Advice, by all Opportunities, how the Gally proves; how your Men stand; what Progress you make; and, in general, of all remarkable Passages in your Voyage, to the time of your Writing. Direct your Letters to Mr. Edmund Harrison. I pray God grant you good Success, and send us a good Meeting again.

"BELLOMONT."

Ordered, that the serjeant at arms do go with the mace into Westminster-hall, Court of Requests, and places adjacent, and summon the members there to attend the service of the House: and he went accordingly; and being returned,

And a motion being made, and the question being put, that a grant, passed under the great seal of England, to Richard Earl of Bellomont and others, of all the goods, merchandizes, treasure, and other things therein granted, which should be taken by Captain Kidd from Thomas Too, John Ireland, and others in the said grant mentioned as pirates, before their conviction, is illegal and void;

The House divided.

The yeas go forth.

Tellers for the yeas, Colonel Granville, Mr. Tredenham: 185.

Tellers for the noes, Mr. Boyle, Sir Rowland Gwyn: 198.

So it passed in the negative. (*C. J.*, XIII. 444-446.)

Mar. 29, HC. Mr. Blathwaite, from the Commissioners of Trade and Plantations, presented to the House their answers to the order of the 12th of March instant, by which they were to lay before this House an account of their proceedings for the improvement of trade, since the 21st day of March 1699. being the time of the delivery of their last account.¹⁵

And the title thereof was read:

And the answer is as followeth; *viz.*

In obedience to an order of this honourable House, dated the 12th of this instant March, requiring from us an account of our proceedings for improvement of trade, since the 21st of March last; we humbly offer, that we did then represent to the honourable House the powers and authorities committed to us by his Majesty; whereby we are directed to examine, and take an account of, the state of trade; and to do what in us lies, for the encouragement thereof, in giving the merchants, and others concerned, all the satisfaction and dispatch we can in their business, from time to time; as also, to make constant inquiries into the conditions of his Majesty's plantations in America, as well with regard to the administration of government, as in relation to commerce; and how those colonies may be kept in good order, and rendered most beneficial to this kingdom; to prepare commissions and instructions to governors; and to examine the journals and proceedings of the several councils and assemblies, and all the acts and laws made by them, in order to the amendment, approbation, or disallowance thereof; to correspond with all the said governors, and other officers, in the publick administration; and to make representations to his Majesty, or the Privy-Council, of what may occur to us upon the heads or matters aforesaid; wherein a considerable part of our time has been continued to be taken up, since the said month of March last: the chief particulars whereof, and of other incident business, we shall now lay before this honourable House, in the shortest method we are able, referring ourselves, for a clearer deduction of several matters transacted by us, and under our daily consideration, to our former report, given in at that time.

¹⁵ *Ante*, p. 364. It was read on Mar. 26.

The French ambassador ¹⁶ having presented to his Majesty a memorial, complaining of the Royal African Company's trading into the river Senegall, and of their hindering the French from trading up the river Gambia; we thereupon heard the company: and, finding that they deny their trading up the river Senegall, and assert their right to the sole trade up the river Gambia, we represented the same to his Majesty, for answer to the said ambassador's memorial; and offered, that the trade along the coast ought to be kept free, and common to both nations. . . .

The Lords Commissioners of the Admiralty, having understood from his Majesty's consul at Algiers, by his letter of the 13th April last, that the dey of that place had given no longer time, than till September following, for all ships belonging to his Majesty's subjects to be provided with admiralty-passes, which had been discontinued during the late war; insisting upon the treaty made with them the 10th of April 1682; and declaring, that after that time, such ships as should be met by their cruisers, not being furnished with passes in the form required, would be seized, and carried up to Algiers; by which means the plantation-ships, those to Newfoundland, and others employed in long voyages, would have been in great danger; and his Majesty having thereupon required us to consider and settle the method of granting passes to the ships of his Majesty's subjects, trading in the way of the Algerines; we humbly reported to his Majesty the state of that matter, not only in relation to the forms of such passes, but more particularly to the places whither they should be sent to the persons who might be intrusted with the distribution thereof, and to the directions and instructions to be given to such persons in the execution of that trust: and we humbly proposed, that the most pressing and effectual means might be used with the government of Algiers, to enlarge the time that had been limited by that government: all which having been accordingly directed, passes were sent to the several persons appointed to distribute them; and the government of Algier was prevailed with to prolong the time for one year more; viz. till the end of September next; by which means the navigation of his Majesty's subjects have been preserved from that danger. . . . ¹⁷

A vessel, called the *Beckford-Gally*, belonging to English owners, having been seized at Madagascar, by pirates, in combination of some of the said ship's company; we did, at the owners desire, represent the case to his Majesty; and letters, prepared by us for his Majesty's royal signature, were thereupon dispatched to the governors of the plantations, for securing the said ship and men, and proceeding against them according to law. ¹⁸

An act of Parliament having been made, in the last sessions, for the more effectual suppression of piracy; wherein it is provided, that commissions be passed, either under the great seal of England, or under the seal of the Admiralty, for the tryal of pirates in the methods directed by the said act; we did immediately represent to his Majesty the necessity that

¹⁶ Count Tallard. Concerning this complaint see *Cal. St. P. Col.*, 1700, pp. 30, 336.

¹⁷ *Ibid.*, pp. 2-3, 290, 295, 297-299, 302, 355, 664.

¹⁸ *Ibid.*, pp. 236, 242, 351, 352.

those commissions should be dispatched: ¹⁹ and his Majesty having thereupon directed them to be passed under the great seal; ²⁰ we further humbly offered our opinion upon the form which had been prepared by Mr. Attorney and Mr. Solicitor-General: and, having consulted both the old and new East-India Companies, we settled with each of them, to what persons and places those commissions might be fitly directed in those parts: and soon after, we also laid before his Majesty a list of the persons and places to which the like commissions might be directed in his Majesty's plantations in America: ²¹ all which having accordingly been done, and the said commissions being passed and sent, we prepared letters for his Majesty's royal signature, to the respective governors of those plantations, for sending hither all accessories in cases of piracy, who, by the said act, are not to be tried beyond the seas.

And having since been required by his Majesty to consider of the draught of a proclamation, that had been prepared, for encouraging the apprehending and convicting of pirates, in reference to the time fit to be allowed them to come in, and make affidavit, as thereby directed; we offered to his Majesty divers considerations relating to pirates: upon which his Majesty was pleased to issue his late proclamation of the 6th instant.²²

There is a constant return of business every year relating to the trade and fishery of Newfoundland; and, from the commodore of the last convoy, we received an account of the course and progress thereof, with particular respect to the execution of the late act of Parliament to encourage that trade,²³ in answer to what was given him in charge; and we have prepared other instructions and dispatches to the commodore of the convoy now going thither, for the rectifying several abuses, and making further inquiries into the state of the trade and fishery of his Majesty's subjects there, and into that of the French in those seas. . . .

As to his Majesty's plantations in America, we have made several representations in defence of his Majesty's right to such of them as have been at any time claimed by the French, or other foreigners; and having formerly set forth his Majesty's title to the island of Tobago, one of the Caribbe Islands in the neighbourhood of Barbadoes, we have since offered to his Majesty such considerations as put a stop to the design of some persons here, who, under a pretence of an agreement with the Duke of Courland's envoy, were contriving to settle the said island under the title and protection of that prince; and have thereby prevented the great prejudice such a settlement would have caused to the island of Barbadoes, and the trade of this kingdom.²⁴

Having also formerly, in a report to their excellencies the Lords Justices, represented his Majesty's right of sovereignty over the island of

¹⁹ *Cal. St. P. Col.*, 1700, p. 236.

²⁰ *Ibid.*, pp. 245, 303.

²¹ *Ibid.*, p. 299.

²² Printed in *London Gazette*, no. 3688; Brigham, *British Royal Proclamations relating to America*, p. 155.

²³ 10 and 11 Gul. III. c. 25. For details upon which the statement here made is based see *Cal. St. P. Col.*, 1700, pp. 520-523, *id.*, 1701, p. 124.

²⁴ *Id.*, 1700, pp. 8-10, 74, 127, 140.

Sta. Lucia in the same neighbourhood; and directions having accordingly been given to the governor of Barbadoes for maintaining the same: upon which, the French ambassador complained to his Majesty of those proceedings; and insisted upon the French king's right to that island; we again laid before his Majesty a full deduction of his Majesty's title to the said island, in answer to the French pretensions.²⁵

The said ambassador having likewise presented to his Majesty a memorial, complaining of a design alleged by him to be carrying on by some of the inhabitants of Barbadoes, in order to the settling of the island of Dominico, another of the Caribbe Islands; and having therein questioned the right of the English to the said island, we did, by a like deduction, state and assert his Majesty's title thereunto.²⁶

Upon a controversy between his Majesty's province of New-York and the charter-government of Connecticut colony in New-England, relating to their boundaries; we examined the pretensions of both sides; and reported to his Majesty the state thereof, together with draughts of letters for his royal signature, and an instrument proper for the determining and settling those boundaries.²⁷

We have, on many occasions, represented to his Majesty, as we did likewise, in our last report, to the late House of Commons, the state of such plantations in America, as are under the government of proprietors and charters; and how inconsistent these governments are with the trade and welfare of this kingdom:

That these colonies, in general, have no-ways answered the chief design, for which such large tracts of land, and such privileges and immunities, were granted by the crown:

That they have not conformed themselves to the several acts of Parliament for regulating trade and navigation, to which they ought to pay the same obedience, and submit to the same restriction, as the other plantations, which are subject to his Majesty's immediate government; though, on the contrary, in most of these propriety and charter-governments, the governors have not applied themselves to his Majesty for his approbation, nor have taken the oaths required by the acts of trade; both which qualifications are made necessary by the late act for preventing frauds, and regulating abuses, in the plantation-trade:

That they have assumed to themselves a power to make laws, contrary and repugnant to the laws of England, and directly prejudicial to our trade, some of them haveing refused to send hither such laws as they have there enacted; and others having sent them, but very imperfectly:

That divers of them have denied appeals to his Majesty in Council; by which, not only the inhabitants of those colonies, but others his Majesty's subjects, are deprived of that benefit enjoyed in the plantations

²⁵ *Ibid.*, pp. 429, 466-467, 562, 616-619.

²⁶ *Ibid.*, pp. 155, 333-336.

²⁷ During Governor Fletcher's administration the towns of Rye and Bedford had seceded from the government of New York to that of Connecticut, "to avoid paying taxes" (*id.*, 1697-1698, pp. 459-461, *id.*, 1699, p. 212). The boundary dispute was settled in March, 1700, by confirming the agreement of 1683, and the two towns were returned to New York (*id.*, 1700, pp. 124-125, 142-143). For general accounts see C. W. Baird, *Hist. of Rye*, pp. 105-119; C. W. Bowen, *Boundary Disputes of Conn.*, pp. 72-73.

under his Majesty's immediate government; and the parties aggrieved are left without remedy from the arbitrary and illegal proceedings of their courts:

That these colonies continue to be the refuge and retreat of pirates and illegal traders, and the receptacle of goods imported thither from foreign parts, contrary to law; in return of which commodities, those of the growth of these colonies are likewise, contrary to law, exported to foreign parts: all which is likewise much encouraged by their not admitting appeals, as aforesaid:²⁸

That, by raising or lowering their coin from time to time, to their particular advantage, and to the prejudice of other colonies; by exempting their inhabitants from duties and customs, to which the other colonies are subject; and by harbouring of servants and fugitives; these governments tend greatly to the undermining the trade of the other plantations, and entice and draw away the people thereof; by which diminution of hands, the rest of the colonies, more beneficial to England, do very much suffer.

Nor have we omitted to take notice, that these independent colonies do turn the course of trade to the promoting and propagating woollen and other manufactures proper to England, instead of applying their thoughts and endeavours to the production of such commodities, as are fit to be encouraged in those parts, according to the true design and intention of those settlements:

That these governments do not put themselves into a state of defence against an enemy; nor do they sufficiently provide themselves with arms and ammunition; many of them having not a regular militia, and some of them being no otherwise, at present, than in a state of anarchy and confusion.

To cure these, and other great mischiefs in these colonies, and to introduce such an administration of government, and fit regulation of trade, as may make them duly subservient and useful to England; we have humbly offered our opinion, that the charters of the several proprietors and others, intitling them to a right of government, should be reassumed to the crown, and these colonies put into the same state and dependency as those of his Majesty's other plantations, without further prejudice to every man's particular property and freehold; which, we conceive, cannot otherwise be well effected, than by the legislative power of this kingdom.

Upon occasion of several complaints relating to the administration of justice in Barbadoes, we have given directions for the more regular holding of the courts of justice in that island, and transmitting to us such account of their proceedings, as will tend to the reforming of all neglects and irregularities in those courts: we have also prepared letters for his Majesty's royal signature, which have accordingly been dispatched, containing particular commands to the governor and council of the said island; for redressing all miscarriages of that kind, and preventing complaints of the like nature.²⁹

²⁸ *Cal. St. P. Col.*, 1700, pp. xi-xii. Both Bellomont and Randolph declared Massachusetts the worst offender in illegal trade. *Ibid.*, pp. 509-513, 635, 678-679.

²⁹ *Ibid.*, pp. lv-lvi, 145, 567.

And a petition having been presented to his Majesty by the agents of that island, and other persons having an interest there; wherein they set forth the present condition of that island; and pray, that the duty or impost of $4\frac{1}{2}$ per cent. arising there upon all dead commodities exported from that island, may be applied to the reparation of the forts, and other uses; we laid before his Majesty the state of that matter, expressing particularly the several grounds and considerations upon which the said duty was given, and the application that has been lately made thereof to the uses mentioned in a late act of Parliament for granting to his Majesty certain duties, for the necessary expence of his Majesty's household, and other necessary occasions: further representing to his Majesty, that the inhabitants of Barbadoes have expressed great zeal, and been at considerable expence, in his Majesty's service, during the late war; and that the said island, with respect to the present conjuncture, may deserve a particular regard, as well in reference to the repairs and improvement of the fortifications, as to the security of that place and trade, by ships of war.⁸⁰

His Majesty having been pleased, upon our representations, to recal the governor of the Bermuda islands, and to appoint another to succeed him, we prepared a commission and instructions for the new governor, with the necessary alterations; and, upon his departure, considering the great importance of those islands to the plantation-trade, and navigation of England, we further proposed to his Majesty, that a supply of powder and arms might be immediately sent thither; and that, upon the governor's arrival there, he should forthwith report what he might find further requisite to be done, or sent from hence, for the security of the said islands: all which having been approved by his Majesty, supplies have been sent, and directions given, accordingly.⁸¹

In order to the production of naval stores in the plantations, we directed the Earl of Bellomont to use his utmost endeavours to advance that design in the provinces under his government: and he, finding the dearness of labour in those parts, where the inhabitants are not numerous, to be a great obstruction to that work, for which nature otherwise afforded great advantages, did thereupon form a proposal or scheme for making pitch, and tar, and rosin, in the province of New-York, by the labour of soldiers; who might, at the same time, serve for the defence of the said province bordering upon the French:⁸²

And his Lordship having communicated to us this scheme, which takes in as well the security of that frontier, as the production of those stores, we laid before their excellencies the late Lords Justices a report upon that whole matter;⁸³ setting forth the difficulties that appeared to us therein; the absolute necessity of putting some part of it, relating to the security of the province, in execution; the advantages that would accrue from the

⁸⁰ *Ibid.*, pp. 716-717. The $4\frac{1}{2}$ per cent. duty, in 1700, netted about £15,000. *C. J.*, XIII. 420.

⁸¹ Samuel Day was the offending governor, and Benjamin Bennett his successor. *Cal. St. P. Col.*, 1700, pp. 88-89, 241, 375, 493, 495-496, 533-535.

⁸² *Ibid.*, pp. xvii-xviii, and references there given. Numerous papers on the New York affairs here referred to, will be found in *N. Y. Col. Docs.*, IV., *passim*.

⁸³ *Cal. St. P. Col.*, 1700, pp. 544-549.

whole, in case it could be made practicable; and the proceedings which had already been made therein: to which we added what seemed to us most proper to be further done with regard to the present circumstances of that province: from all which we are expecting a good effect.

And having therein referred the subject of masts, and other ship-timber, to be considered apart, because of the relation it might have to other plantations as well as to New-York, we soon after laid before their excellencies a separate report thereupon;⁸⁴ setting forth the state of his Majesty's woods in those parts; the great waste and spoil that is daily committed in them, by converting oaks and pines of the largest dimensions into pipe-staves and deal-boards; the great consumption likewise of timber by a trade to Spaine and Portugall, which is not prohibited by law; and the advantages that may be drawn from those woods to England, if there was a due provision by laws, which we accordingly proposed to be made; and having thereupon received his Majesty's directions; we prepared a letter for his royal signature to the Earl of Bellomont, requiring him, that he would use his endeavours with the assemblies there to pass acts proper for that end; or, in case he could not prevail with them to do what is requisite, that he would report particularly what may be fit to be done here: which letter has been sent to his Lordship.

The northern frontiers of the province of New-York, being the most advanced of any of his Majesty's plantations towards Canada, and the chief security of the neighbouring plantations against an enemy depending upon the preservation of those frontiers, which that province is not alone able to provide for, we have, upon several occasions, represented what seemed to us necessary for that service; and particularly upon an information from the Earl of Bellomont, that all the colonies of New-England were alarmed, and under great apprehensions, from the intelligence given them, on all sides; of a general insurrection and rebellion intended by the neighbouring Indians, unto which they had been secretly instigated by the indirect practices and malicious insinuations of the French of Canada; and that our Five Nations of New-York Indians were corrupted by those artifices, and seemed inclining to shake off their dependence on the crown of England, and to associate with the other Indians in that insurrection; we humbly offered, that a supply of money might be sent towards the building and repairing of forts in the frontiers of New-York, together with presents for our Five Nations of Indians in those parts, and recruits for the forces there.⁸⁵

We further humbly proposed to his Majesty, that the other colonies, which are so much concerned in the security of those frontiers, should be required to contribute, towards the building and repairing of their forts, a certain sum, in reasonable proportions, according to a scheme that we laid before his Majesty, together with letters for his royal signature; which have accordingly been dispatched.

And his Majesty has been pleased, out of his royal bounty, to give 2,500 *l.* towards the charge of forts; to send presents for our Five Nations

⁸⁴ *Cal. St. P. Col.*, 1700, pp. 563-567.

⁸⁵ *Ibid.*, pp. xxvii-xxxvii.

of Indians to the value of 800 *l.*; and to recruit the soldiers at New-York, who were but 180, with men from hence to make them up 400.

The defence and security of the plantations in general being a matter of the greatest importance to the trade of this nation, we have not confined ourselves to what relates to the province of New-York, but have also, in two other representations, laid before his Majesty the state of all his plantations, both in the islands and in the continent of America, with particular relation to the forts, fortifications, and stores of war, now there;²⁶ and what may be further necessary for the defence of those plantations with regard to the present conjuncture: which representations, or any others afore-mentioned, we are ready to lay before this honourable House, when the same shall be required; and to explain more at large such particulars therein, as have fallen under our consideration, in reference to trade, and the security of his Majesty's foreign dominions.

All which is most humbly submitted.

STAMFORD,
LEXINGTON,
PH. MEADOWES,
WM. BLATHWAITE,
JOHN POLLEXFEN,
ABR. HILL,
MAT. PRIOR.

Whitehall, 28 Mar. 1701.

Ordered, that the said answer do lie upon the table, to be perused by the members of the House. (*C. J.*, XIII. 446-449.)

Mar. 29, HC. Resolved, that an humble address be presented to his Majesty, by such members of this House as are of his Majesty's most honourable Privy Council, that he will please to give order, that Captain Kidd may be proceeded against according to law. (*Ibid.*, p. 450.)

Mar. 31, HC. The House being informed, that Captain Kidd desired to be brought again to the House, having something to say to the House;

Ordered, that Captain Kidd be sent for to attend this House immediately: and that Mr. Speaker do issue his warrant to the keeper of Newgate for that purpose. (*Ibid.*, p. 460.)

Mar. 31, HC. The House being informed, that Captain Kidd was brought, according to order;

He was called in, and heard;

And then withdrew.

Ordered, that Captain Kidd be remanded to the prison of Newgate. (*Ibid.*, p. 463.)

Apr. 1, HC. Mr. Secretary Hedges acquainted the House, that their address having been presented to his Majesty, that he would please to give order, that Captain Kidd may be proceeded against according to law; his Majesty has been pleased to give the necessary directions for the trial of the said Captain Kidd. (*Ibid.*, p. 465.)

Apr. 2, HC. Ordered, that the Commissioners for Trade and Plantations do lay before this House an account of what complaints have been

²⁶ *Ibid.*, pp. 754, 765-766, *id.*, 1701, pp. 20-23, 42-43.

made to them, in relation to the trade, or courts of justice, in the several plantations in America, whether in the proprietary governments, or elsewhere; and what they have done thereupon.⁸⁷ (*C. J.*, XIII. 465.)

*Apr. 9, HC.*⁸⁸ A petition of the merchants trading to the English plantations in America was presented to the House, and read; setting forth, that great abuses are practised on his Majesty's subjects, by societies of ill men, who, by insinuations and promises, betray them to go as servants to the plantations; and also others, that offer themselves to go as servants, with design to embroil the persons concerned, and get money of them; whereby great trouble often happens to merchants, and owners of ships: and praying, that leave may be given to bring in a bill for prevention of all evil practices; and for the better security of merchants, owners and commanders of ships, in the transportation of servants to the English plantations in America.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House:

And it is referred to Mr. Yates, Mr. Harley, Sir Edward Seymour, Sir Jeff. Jeffrys, Sir Owen Buckingham, Mr. Clerke, Mr. Stonehouse, Mr. Foley, Mr. Champneys, Mr. King, Mr. Chomly, Mr. Phipps, Mr. Wentworth, Mr. England, Mr. Lowther, Mr. Heysham, Mr. Rudge, Mr. Topham, Sir Jacob Banks, Mr. Mompesson, Mr. Fuller, Mr. Taylor, Mr. Vaughan, Mr. Walpole; and all the merchants of the House; and all that serve for the sea-ports: and they are to meet this afternoon at five a clock, in the Speaker's Chamber.⁸⁹ (*Ibid.*, p. 478.)

Apr. 9, HC. A petition of Andrew Clifford and Jeronimy Clifford, late inhabitants of Surinam in America, was presented to the House, and read; setting forth, that, in the war betwixt England and Holland in the year 1667. the colony of Surinam was surrendered by the English to the Dutch; but the English then remaining there, of which number the petitioners are, were to enjoy all privileges equal with them, and have liberty to transport themselves and estates when and where they pleased: that the petitioners, in the year 1687. intending to transport their estates to Jamaica, the governor prohibited their transportation, and caused several unjust prosecutions against the petitioners; particularly one, about the sale of a negro; and imposed a fine on them of 4,000 *l.* which they levied on the petitioners estates; and sentenced the petitioner Jeronimy to remain in prison for 7 years, without bail; where he continued four years, till he was discharged by his Majesty's intercession with the States General: that, after several other unjust prosecutions, which cost 30,000 *l.* the petitioner Jeronimy applied himself to the States-General, and delivered them a memorial of his sufferings; but could obtain no relief:

⁸⁷ Presented Apr. 24 (*post*, p. 392).

⁸⁸ Apr. 7, Elizabeth Tillotson, widow of the late Archbishop of Canterbury, petitioned the Commons that her pension of £600, out of the duties of £4 10s. laid upon all goods and merchandises exported from the American plantations and colonies, be excepted from the provisions of the bill then pending, for resuming the grants of lands and other revenues and applying the same to the use of the public. *C. J.*, XIII. 474.

⁸⁹ June 10, upon report of this committee, a bill was ordered but it was not passed. A similar proceeding occurred in the next session.

and praying that this House will take their case into consideration, and afford them relief.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House:

And it is referred to Mr. Moncton, Sir Sam. Bernardiston, Mr. Hammond, Mr. Eyre, Sir Godfrey Copley, Sir Owen Buckingham, Sir Francis Child, Sir Edward Ernly, Sir John Leveson Gower, Sir John Bolls, Mr. Champneys, Mr. Pais, Mr. Vaughan, Sir Henry Goff, Sir Richard Cox, Sir Wm. Ashurst, Mr. Thompson, Sir Sam. Gerrard; and all the merchants of the House: and they are to meet this afternoon at five a clock, in the Speaker's Chamber.⁴⁰ (*Ibid.*, p. 479.)

Apr. 10, HC. Ordered, that Mr. Palmes, Sir Wm. Strickland, Sir Wm. Hustler, Mr. Moncton, be added to the committee, to whom the consideration of the petition of the merchants trading to the English plantations in America is referred. (*Ibid.*, p. 480.)

Apr. 10, HC. The House being informed, that Captain Kidd had been at some other place, besides the House of Commons, since he was in Newgate;

Ordered, that the keeper of Newgate, and such officers of his, as at any time attended Captain Kidd when he was brought to this House, do immediately attend this House. (*Ibid.*)

Apr. 10, HC. The serjeant acquainted the House, that his messenger, having been at Newgate, finds, that the keeper was gone abroad; and that several of his officers were gone to Kingston assizes; but that one of his officers was come; and attended.

Then the House being informed, that Thomas Stockdell, who, the House was informed, was the person that gave information of the matter relating to Captain Kidd, also attended;

He was called in; and examined.

And then withdrew.

Then Matthew Smith, one of the keeper of Newgate's officers, was called in; and examined.

And then he withdrew.

The House being informed, that Captain Symonds, whom the said Thomas Stockdell had informed of the matter relating to the said Captain Kidd, also attended;

He was called in; and examined.

And then withdrew.

Afterwards the said Captain Symonds and Thomas Stockdell were called in together; and examined.

And then they withdrew.

The House being informed, that Mr. Fell, the keeper of Newgate, was come, and attended, according to order;

He was called in; and examined.

And then he withdrew. (*Ibid.*, p. 482.)

⁴⁰ No report was made on this matter; it was still pending in 1705. *Acts P. C. Col.*, II. 269-270.

Apr. 16, HC. The House being informed, that Captain Kidd had sent to the commissioners for executing the office of Lord High Admiral of England, that he may have the use of his commission, and some other papers, at his tryal; which things now lie before this House;

Ordered, that the said commission, and such other papers as Captain Kidd desires, be delivered, by the clerk of this House, to the secretary of the Admiralty. (*C. J.*, XIII. 496.)

Apr. 24, HC. Mr. Pryor, from the Commissioners of Trade and Plantations, presented to the House their answer, concerning trade, and courts of justice, in the plantations, pursuant to the order of the 2d of April instant:

And the title thereof was read:

And the answer is as followeth; *viz.*

In obedience to an order of this honourable House, dated the 2d of this instant April, requiring from us an account of what complaints have been made to us in relation to the trade, or courts of justice, in the several plantations in America, whether in the proprietary governments, or elsewhere; and what we have done thereupon; we humbly offer;

In the plantations under his Majesty's immediate government.

Barbados. A complaint made by the commissioner of his Majesty's customs at Bridge-Town in Barbadoes, to the Lords Commissioners of his Majesty's Treasury, having been referred to our consideration; and finding thereby, that he, and other officers of the customs in Barbadoes, by their diligence in making seizures, upon some violations of the acts for trade and navigation, had made themselves enemies, and laboured under difficulties in the execution of their trusts; but that, by the countenance of the governor, they had been enabled to proceed in the discharging their trust; we found it absolutely necessary, that not only the officers of the customs, but those also of the Admiralty, should be very particularly recommended to the respective governors of all his Majesty's plantations: and accordingly we humbly proposed to their excellencies the then Lords Justices, that they would be pleased to sign circular letters, which we prepared, to the said governors, and especially to those in propriety and charter-governments, requiring them to give constant protection, and all due encouragement, to the said officers, in the discharge and execution of their respective duties: and the said letters were accordingly dispatched.

It having been represented to us by the executors of Sir Peter Colleton, that Mr. James Colleton, of Barbadoes, brother to the said Sir Peter, had, upon his brother's death, seized his estate in that island, and converted it to his own use; and that they the said executors, having brought their actions against him, could not obtain redress, by reason that he, the party concerned, was judge in the precincts where the controversy was depending; we thereupon gave directions to the president and council of that island, the governor being then dead, that they should appoint some other impartial judge to hear and determine that matter; and further take care, that no person should either be judge in his own case, or, by being judge in any precinct where matters in controversy between him and other lie, should have it in his power to obstruct the course of justice: but, having some time after been informed by the said executors, that they had not

obtained relief, we represented the matter to their excellencies the Lords Justices; and, Mr. Grey being then constituted governor of that island, we wrote to him, by their Excellencies order, to the same effect; and, in answer thereunto, have received from him a certificate signed by the attornies of the foresaid executors there, declareing, that, though their suit had indeed been tedious, yet they could not charge Judge Colleton with making any use of his authority in causing those delays; but that they imputed them to the death of the late governor Colonel Russell, and the changes that had ensued in the commissions of judges.

And, to the end that a strict and continual care might be taken in all matters relating to the administration of justice in that island, we sent to Mr. Grey the following directions; *viz.*

That he should send to us a copy of the register and minutes of the chancery; and of the minutes and business done as a court of errors; since his arrival in that island:

That he should send a particular account, and list, of all causes that now stand entered in the chancery, or are depending there; and how long each of them has been so depending:

An account, likewise, specifying each day of the month that a court of chancery, and court of errors, hath been held; and how many successive days that court has at any time continued to sit since his arrival in that government: in which account the proceedings of each day are also to be severally set down; and the names of such members of council, as attended each day, inserted:

An account, how many final decrees have been made there since his arrival; how many injunctions granted, how many dissolved, and how many remain still in force.

And whereas by an act of that island, made in the year 1661. the five several courts of common law have certain days appointed for their sitting; that we expected from him a particular account, how many of the said days each of those courts had sat since his entering upon that government, together with an account of the business they have done each day, copied from their minutes: these accounts to be fully and plainly given by the registers, or other proper officers, of the respective courts, and sufficiently attested:

And that we further expected, that, for the future, he should hold the court of chancery as often, and for so long time, as should be requisite for dispatch of the several causes depending before that court; and that an exact account should be always kept of the names of such of the council as do give their attendance during the sitting of the said court; so that the register, or other proper officer, may be able to give a particular account thereof, on oath, from time to time, if the same shall be required: to all which heads we are expecting his answers.⁴¹

A petition having since been presented to his Majesty, in the name of John Loder esquire, and others; complaining of a great neglect in holding courts of chancery in that island, and want of dispatch of business in those courts; which his Majesty was pleased to refer to our consideration; ⁴² we thereupon directed, and instantly required, Mr. Grey to be more careful in the expediting of justice; and to hold courts of chancery, without any recess or intermission, till all the causes depending there should be determined.⁴³

⁴¹ *Cal. St. P. Col.*, 1700, pp. 567-568.

⁴² *Ibid.*, p. 714.

⁴³ *Id.*, 1701, p. 53.

About the same time, also, two other petitions having been presented to his Majesty, the one by Isaac Mawkins,⁴⁴ the other by Thomas Hodges,⁴⁵ esquires; containing, in like manner, great complaints of delays, and undue proceedings, in the courts of justice in Barbadoes; upon which his Majesty was pleased to require us to examine those matters; and to report what we conceived proper to be done therein; we made our report accordingly; and further proposed, that his Majesty would be pleased, by letters under his royal signature, to give directions to Mr. Grey for the redress of all irregularities of that nature: which letters were prepared by us, and sent; being as follows;

William R.

Trusty and Well-beloved, we greet you well. Whereas John Loder, Isaac Hawkins, and Thomas Hodges, esquires, in behalf of themselves, and others, have, by their humble petitions, severally laid before us divers complaints of great delays, and undue proceedings, in the courts of justice in our island of Barbadoes; in the setting forth whereof they have offered to prove, that there were lately about 800 causes depending at one time in two of the courts of common pleas in that island; besides what more might be depending in the three other courts of the same kind, whereof they had not been yet informed; and have imputed this disorder, amongst other causes, to the partiality of some persons appointed to sit in the judicatories of the said island, who are themselves much indebted; have many suits depending against them; and are thereby frequently interested either directly, or by consequence, in the issue of the suits that are brought before them: and whereas it has been further represented by the said petitioners, that the method practised in the courts of chancery, in determining controversies, and pronouncing decrees, is very irregular; and that the neglect in holding those courts, and the want of dispatch of business there, have been such, that there has been sometimes but one court held in the space of 8 or 9 months, and very little done in it since your entering upon that government; so that there are more than 300 causes depending in the said court, many of which are of several years standing: and also that, since your being there, not any court of error did sit in two years time; by which means all judgments at common law, whereon writs of error have been brought, were stayed from execution: all which delays, and undue proceedings, do tend to the very great prejudice of the petitioners, and other suitors: and it being highly necessary, that all irregularities of this nature, which are so grievous to our subjects, be reformed; and that, the grounds of all such complaints being thoroughly inquired into, effectual care be taken, that they be, for the future, intirely removed; we have, in order thereunto, directed our Commissioners for Trade and Plantations to transmit unto you the copies of the foresaid petitions, and of the memorials offered thereupon, for your answers, not only to the particular cases of the petitioners, but also to the more general complaints afore-mentioned: and we do further hereby will and require you to take especial care, that no person interested in the suits depending in any of the courts of our said island be appointed or permitted to sit as judge in the causes wherein they are concerned: that justice be everywhere duly and speedily administred: that the complainants have such redress as is agreeable to law: and that you do yourself constantly hold courts of chancery, until all the causes there be determined. We do likewise hereby declare our royal will and pleasure, that no members of our council in that island be

⁴⁴ Hawkins. *Cal. St. P. Col.*, 1700, p. 733.

⁴⁵ *Ibid.*, p. 755.

exempted from any prosecution, in law or equity, for the payment of their just debts, except only during the time that the general assembly of our said island shall be sitting; which you are accordingly to declare unto them: and, for the better observance of our directions in all this matter, as well as for the satisfaction of all persons concerned, you are to cause entry to be made of this letter in our council-books. So we bid you farewell. Given at our court at Kensington, the 16th day of March 1700/1 in the thirteenth year of our reign.

By his Majesty's command.

JA. VERNON.⁴⁶

And whereas it has been alleged, that presents made by the general assemblies of plantations, to governors, have sometimes been a temptation to them to defer or pervert justice; and there being two acts of the general assembly of Barbadoes before us, for presents to the governor, which, by his instructions, he is not permitted to receive without his Majesty's leave first obtained; we have suspended our report upon those acts, until we be further satisfied how the governor has discharged his duty in all matters relating to the administration of justice.⁴⁷

Bermuda. The disorders in the Bermuda Islands having been considered by us, both in respect to trade, and to the administration of justice; two lieutenant-governors of the said islands, *viz.* Captain John Goddard, and Mr. Samuel Day, have, upon the representations we made of the irregularities of their conduct in those matters, been recalled; and, upon the constituting of Captain Benjamin Bennet to be governor, we have, in the instructions which he has received from his Majesty, inserted such clauses as may tend to reform the abuses which his predecessors have been guilty of.⁴⁸

Leeward Islands. As to the Leeward Islands, some inconveniencies having arisen in the administration of justice, by reason that some of the judges or assistants of the inferior courts have also been members of the council of that island, where the governor usually resided; which is the supreme court for hearing and determining appeals from all the others; we prepared an instruction, which his Majesty was accordingly pleased to give to Colonel Codrington, the present governor, for reforming of that irregularity: and, before his going over, a complaint having been brought to us, in the name of divers inhabitants of St. Christopher's, against Captain James Norton, lieutenant-governor of the English part of that island, for several oppressions, exactions, and illegal practices, we directed Colonel Codrington, by order of the Lords Justices, to inquire into those matters: and he has now acquainted us, that, upon a full and impartial hearing, the substance of those complaints, especially in respect to breaches of the acts of trade, had been proved against the said Norton; and that he had thereupon suspended him from the office of lieutenant-governor.⁴⁹

⁴⁶ *Id.*, 1701, pp. 124-125.

⁴⁷ These acts were dated Oct. 3, 1699, and Nov. 5, 1700, each providing for the payment of £2000 to Governor Grey. The Council of Trade and Plantations finally recommended the king's approval of these, because of the expense the governor had been obliged to make "in supporting the dignity of that government". *Ibid.*, pp. 30, 121, 676-677.

⁴⁸ See references in note 31, *ante*.

⁴⁹ *Cal. St. P. Col.*, 1700, pp. 426-427, 520, 535, *id.*, 1701, p. 31.

He complains also of some irregularities in trade, especially of a private trade with the French islands, in those parts; whereby the islands under his government are clandestinely supplied with all sorts of French commodities, and the consumption of English commodities is very much hindered: which abuses he promises to take all possible care to reform.⁵⁰

Jamaica. As to Jamaica, the governor of that island⁵¹ has represented to us the people's uneasiness under the restraint laid upon them by the acts of trade and navigation; and their desire of a greater liberty in trade than is consistent with the interest of England; which they observe to be practised in the neighbouring plantations, under proprietors: but he has, in pursuance of our frequent recommendations, assured us of his care, that those acts be strictly complied with.

He has often acquainted us, that the inhabitants, and more especially the seafaring men, of that island, complained much of the irregular proceedings of some commanders of his Majesty's ships, in pressing men: which having been represented, by us, to his Majesty, regulations have been made, and directions given, by the Lords of the Admiralty, for the conduct of the commanders of his Majesty's ships, in reference to the pressing of seamen, throughout all the plantations.

And he has further informed us, that the insinuations continually made, by the proprietary colonies on the continent, of the great liberties and exemptions they enjoy under those governments, and of the advantages they make by receiving pirates, had enticed away much people from Jamaica; and tended greatly to the prejudice of that island.

Virginia. From Virginia some complaints have been made to us, that the members of the council of that colony were not subject to prosecutions at law, for the payment of their just debts; and that other inconveniences had ensued, as well in relation to trade as justice, by the methods settled, and ordinarily practised, in the administration of that government: whereupon we offered to their excellencies the Lords Justices the draught of several instructions, which we conceived proper to remedy what appeared to us not fit to be allowed; together with the particular reasons that moved us to propose each alteration: and those instructions were accordingly given, by their excellencies, to Colonel Nicholson, at his first entrance upon that government.

Maryland. Upon complaints also, from Maryland, of inconveniences in the methods of administering that government, and the want of some further provision for preventing undue practices both in trade, and in the course of justice; in order to the remedying thereof, we offered to their excellencies several alterations to be made in the governor's instructions: which were accordingly given to Colonel Blakiston, together with the commission for the government of that province.

New York. As to New York, the governor of that province, the Earl of Bellomont, having transmitted to us great complaints of the irregularities that he found there, especially with respect to illegal trade, and piracy; and having also acquainted us, how, upon the evidence he received, that

⁵⁰ *Cal. St. P. Col.*, 1701, p. 28.

⁵¹ Sir William Beeston. *Id.*, 1700, pp. 18-20.

some members of his Majesty's council, and others in places of trust there, were engaged in carrying on such practices, he had, in pursuance of his instructions, suspended several persons from their employments, and put in others to officiate in their stead, till his Majesty's pleasure were known; we represented the same to their excellencies the Lords Justices; and further proposed what we thought necessary for reforming the abuses there; which was accordingly approved by their excellencies; the Earl of Bellomont's proceedings in the change of officers was confirmed; and directions were given him to continue his endeavours in the further rectifying those disorders.

Since which time, some merchants of New York presented to his Majesty a petition; complaining, that the Earl of Bellamont being governor of New England, as well as of New York, and having been absent from New York, the common course of justice was retarded, trade decayed, and the industry of the planter discouraged, in that province: but, soon after that petition was presented, we had an account of his lordship's return to New York, where he has ever since resided: and we find, by the entry of the customs, that the trade there is increased, and in a thriving condition.⁵²

As to the administration of justice; upon his lordship's complaining of the want of persons, in that province, fitly qualified; and desiring that . . . ⁵³ chief justice and attorney-general might be sent from hence; his Majesty has been pleased to appoint such officers; who are now upon their voyage: and they are further authorized by admiralty-commissions, the one to be judge, and the other advocate-general, in the admiralty courts, both there, and in the neighbouring colonies.

New Hampshire. Not long after our entrance upon this commission, we had great complaints of a disorder in the province of New Hampshire, occasioned by a difference between the lieutenant-governor, and some members of the council there, who forcibly displaced him, and had assumed the government in his stead: which we accordingly represented to the Lords Justices: but, that difference being terminated by the Earl of Bellomont's commission, which superseded their authorities, or pretended authorities, on both sides; and their heats having been in good measure allayed by his presence amongst them; we have not since had any complaint about the administration of justice there, until within these very few days, that his Majesty has required us to consider, and report our opinion, upon a petition from Mr. Samuel Allen; complaining, that the superior court of judicature had denied to admit his appeal from a verdict and judgment there given against him the 13th August 1700: and praying, that his Majesty would please to direct, that his appeal should be admitted: which is a matter of great weight, relating to the right of property, and that whole province; and is at present under our examination.⁵⁴

⁵² See account of last session, pp. 355-357.

⁵³ Omission in *Journals*. William Atwood was appointed chief justice and Sampson Broughton attorney general. *N. Y. Col. Docs.*, IV. 598, 683; *Cal. St. P. Col.*, 1700, p. 332.

⁵⁴ *Allen v. Richard Waldron*, brought to test the former's title to the province, as well as the right of the proprietor to exact quit-rents. The court of judicature of New

The trade of that province is not considerable: the chief port Piacataway⁵⁵ lies very convenient for carrying on a fishery; but the inhabitants neglect it, the woods affording them a more easy gain, by cutting down timber, and carrying it not only to England, but to Spain and Portugal; which trade is not prohibited by law, as we have lately offered to this honourable House; but does, however, deserve to be brought under due regulations, by a clause in some act of Parliament, that shall pass, relating to trade.

Newfoundland. The trade and fishery of Newfoundland being carried on without any settled colony, we have nothing to offer concerning the administration of justice there: but we humbly offer, that we have had many informations of irregularities practised by the masters of ships, and others, who resort thither in the fishing-season; which we endeavour to redress by instructions given to the commanders of the convoys going thither: the enumerated plantation-commodities, especially tobacco and sugar, which ought not to be transported to any foreign parts, without having been first landed in England, are frequently carried thither, and sold to the fishing-ships, who carry them directly to Italy, Spain, and Portugal, to the great prejudice of his Majesty's revenue in the customs, which ought to be paid here: and, on the other side, European commodities are carried thither from foreign parts, and sold to the plantation-ships trading there; who disperse them, at their return, in the several plantations whither they are bound, contrary to law, and to the great prejudice of this kingdom; for which there may be some remedy likewise by a clause in an act of Parliament.

PROPRIETIES.

In relation to proprieties, and charter-governments.

Massachuset-Bay. The inhabitants of the Massachuset-Bay are guilty of carrying on illegal trade: their courts of justice have been very partial in protecting it: they have refused to admit appeals to his Majesty from judgments in those cases; and the very members of his Majesty's council there have openly declared their averseness to the laws of England.

Though that colony be under the inspection of a governor appointed by his Majesty's commission; yet the power of that governor is so tied up by their pretended privileges, and by their not settling any fixed maintenance either upon him, or other funds, for occasional services; his authority, and his very subsistence amongst them, are so precarious; that it is impossible for him, as the case now stands, to make any considerable step towards their reformation.

Rhode-Island. The irregularities and misdemeanors of the government of Rhode-Island have been so great, that we thought it incumbent upon

Hampshire refused his appeal from the verdict, on the ground that the amount involved was under £300. But because of the real issue at stake, the King in Council granted the appeal. Allen died before the case was determined and his son was permitted to revive the question. In the meantime, an act was passed in New Hampshire, September, 1701, permitting an appeal to the superior court in all actions above 40 s., and to the governor and council when the amount involved was over £100. *Acts P. C. Col.*, II. 365-367; *Cal. St. P. Col.*, 1701, pp. 137, 511; *N. H. Provincial Papers*, II. 514-562.

⁵⁵ Piscataway (Portsmouth).

us to represent to his Majesty the necessity of granting a commission for making a particular inquiry thereinto: the Earl of Bellomont accordingly went thither; but found such a reception, by their opposing his Majesty's authority, and the acts of trade and navigation, that no good effect could be obtained from that commission;⁵⁶ they pretending, by their charter, to be independent on the government of England: which we accordingly represented to his Majesty in Council.⁵⁷

Connecticut. Connecticut colony, which lies next, besides the irregularities common to them with other proprietries, are more directly guilty of refusing to admit appeals to England. Upon the petitions of John and Nicolas Hallam, and of Edward Palmes and John Hallam, inhabitants of that colony, complaining of obstruction of justice there, we did write, by his Majesty's Order in Council, to the governor and company of that colony; asserting his Majesty's right to receive and determine appeals from all his colonies in America, and requiring them to admit appeals from thence: but we have since understood, by another petition presented to his Majesty by the said John and Nicolas Hallam, and by other informations received from thence, that our letter, with his Majesty's foresaid order, having been duly delivered, and an appeal accordingly demanded, the superior court of that charter-government did peremptorily refuse the same; and that the governor, who is one of the judges of the said court, did publickly declare, that no appeals should be allowed from thence to his Majesty in Council.⁵⁸

East and West New Jersey. The colonies of East and West New Jersey are at present in utter confusion: there being no governor in East Jersey; and the pretended governor in West Jersey being neither approved by the king, nor acknowledged as governor by the generality of the people; some of the proprietors have thereupon proposed to surrender their pretended right of government to his Majesty; but, others insisting upon it, nothing could yet be done sufficient for the settling of any orderly government amongst them, nor for preventing unlawful trade.⁵⁹

Pensylvania. The complaints against Mr. Markham, lieutenant-governor of Pensylvania, for the harbouring and protecting of pirates;

⁵⁶ His report, Nov. 27, 1699, is given in *Cal. St. P. Col.*, 1699, pp. 542-548.

⁵⁷ *Id.*, 1700, pp. 148-149; *Acts P. C. Col.*, II. 352.

⁵⁸ The Hallams, of New London, were plaintiffs in a suit against Palmes, in which Governor Winthrop was also joined because of his refusal to allow an appeal. For details of these proceedings, which resulted in confirming the verdict of the court of assistants in favor of the defendants, see *ibid.*, pp. 328-330; *Cal. St. P. Col.*, 1700, pp. 223, 714, 740-741, 747.

⁵⁹ The disorders in the Jerseys at this time were the result of controversies surrounding the government. Basse, who had been appointed governor in 1698 to succeed Andrew Hamilton, was not acknowledged for want of royal approbation and, after a period of stormy experiences, departed for West Jersey leaving Andrew Bowne as deputy governor of East Jersey. In August, 1699, Hamilton was reappointed to succeed Basse, who sailed for England where he continued to represent the disaffected element of the colony. The validity of Hamilton's commission was soon questioned. Petitions to the home government setting forth the unsettled conditions became so numerous that in January of this year the Council of Trade was commanded to prepare a full report on the situation. This was presented in October, with the recommendation that negotiations be undertaken for the surrender of the Jerseys to the crown. This was finally accomplished in April, 1702, and Lord Cornbury appointed governor. The full story of this period is given in Whitehead, *East Jersey under the Proprietary Governments*, pp. 195-223; and see *Cal. St. P. Col.*, 1701, pp. 42, 561-565, *id.*, 1702, pp. 225, 240.

and against the whole government of that colony, for their opposition to the court of admiralty erected there, as in other places, pursuant to the late act of Parliament for preventing frauds, and regulating abuses, in the plantation-trade; have been very great: but directions having been given, by their excellencies the Lords Justices, to Mr. Penn, upon his going thither, for the reforming of those disorders, we received afterwards an account from Colonel Quarry, judge of his Majesty's admiralty court there, as well as from Mr. Penn himself, that he had made several advances in what had been required from him: nevertheless we have of late again received complaints from Colonel Quarry, that Mr. Penn, by granting commissions to all the sheriffs of counties to be water-bailiffs, had broke into the admiralty jurisdiction, and invaded the powers thereof; and, by denying the Admiralty any right of jurisdiction within the body of the province, had, in effect, taken it wholly away: we have likewise had fresh informations, from Colonel Quarry, of private trade between Pensilvania, and Curassaw,⁶⁰ a Dutch plantation, carried on chiefly by Scotchmen, who clandestinely and illegally export tobacco, and import such great quantities of iron, linen, wine, and other European commodities, that they are sold there as cheap as in England.

As to pirates; several persons, who have themselves been formerly suspected of piracy, are settled near the capes of Delaware River: these persons, when Kid was there, received his boats, and supplied him: they went on board him constantly, and took on shore quantities of East India goods: Mr. Penn has imprisoned these men; and seized some of the goods, which, as he informs us, shall be sent over.

Carolina, and the Bahama Islands. As to Carolina, and the Bahama Islands; the misbehaviour and ill conduct of the governors and inhabitants of those colonies, in harbouring and protecting Every,⁶¹ and other pirates, is notorious.

In relation to trade; we have, amongst other irregularities of this propriety government, had information of a practice of conveying tobacco privately out of Virginia into North Carolina, and from thence carrying it to New England, and other charter-plantations, without paying the duty of one penny per pound, established by law.

The Governor of Virginia has also complained to us, that, though endeavours have been several times used to fix the boundaries between them and North Carolina, it had not yet been effected; and that, when commissioners had been appointed on both sides to treat, yet nothing could be concluded, because the pretended Governor of North Carolina, who appointed those commissioners, was not himself duly qualified by law.⁶²

As for the course of justice; a complaint having been laid before his Majesty, by some merchants of London, owners and freighters of a vessel

⁶⁰ Curaçao. Papers and letters bearing upon the complaints here enumerated are printed in *MSS. H. of L.*, 1699-1702, pp. 317-353.

⁶¹ *Ante*, p. 354, note 150.

⁶² This boundary dispute had its origin in the provisions of the second charter of North Carolina, 1665, and was begun in 1680 when Governor Culpeper of Virginia issued an order for the collection of taxes and rents in the disputed area. The controversy was not settled until 1728. *N. C. Col. Recs.*, I. xxii-xxiv; Byrd, *History of the Dividing Line*, in Bassett, *Writings of Col. William Byrd*, pp. 3 *et seq.*; Va. Hist. Soc., *Spotswood Letters*, II. 26-27.

called the *Cole and Bean Gally*, of the unjust proceedings of the admiralty-court of South Carolina, in condemning their said ship and cargo, and refusing to admit an appeal to his Majesty from that sentence; his Majesty was pleased to refer the same to our consideration: and we there-upon humbly proposed, as the most proper means for the petitioners relief, that they might be admitted to appeal from thence to his Majesty in Council.⁶³

As to the propriety and charter-governments in general; no governor whereof has qualified himself according to the late act of Parliament, except the Governor of the Bahama Islands; for whose good behaviour security has been refused to be given by the proprietors, their independency making it absolutely necessary, that some speedy and effectual care be taken to render them more subservient and useful to this kingdom;⁶⁴ we humbly refer ourselves to our report, dated the 27th March last,⁶⁵ wherein we humbly represented to the honourable House, that the charters of the several proprietors, and others, intitling them to absolute government, be re-assumed to the crown; and those colonies put into the same state and dependency as these of his Majesty's other plantations, without prejudice to any man's freehold or property; which, we conceive, cannot otherwise be well effected than by the legislative power of this kingdom.

All which being offered by us in pursuance of the order of this honourable House;

The same is most humbly submitted.

STAMFORD,

PH. MEADOWS,

JOHN POLLEXFEN,

LEXINGTON,

WM. BLATHWAYT,

ABR. HILL,

MAT. PRIOR.

Whitehall, April 23d, 1701.

Ordered, that the said answer do lie upon the table, to be perused by the members of this House. (*C. J.*, XIII. 502-505.)

Apr. 24, HL. *Hodie ia vice lecta est billa*, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America.

Ordered, that the said bill be read the second time on Wednesday next.⁶⁶ (*L. J.*, XVI. 659.)

⁶³ This vessel was condemned for not being registered according to law, but the Privy Council recommended a reversal of the verdict. *Cal. St. P. Col.*, 1700, pp. 27, 353; *Acts P. C. Col.*, II. 356.

⁶⁴ Section 15 of 7 and 8 Gul. III. c. 22 provided that governors appointed by proprietors should be approved by the king and take the necessary oaths. But the situation concerning Elias Haskett, appointed governor in April, 1700, was created when the Council of Trade insisted that the proprietors should give security for their deputy, in accordance with the address of the Lords on Mar. 18, 1696/7 (*ante*, p. 205). The proprietors held that there was no act of Parliament that required this, in which view they were supported by the opinion of the Attorney General. *Cal. St. P. Col.*, 1700, pp. 161, 201, 218, 247, 265, 350.

⁶⁵ *Ante*, p. 385.

⁶⁶ This bill was committed but was dropped before the end of the session. Numerous bills for the conversion of all or some of the chartered colonies were thereafter introduced into the House of Commons. This bill, based upon the recommendations of the

Apr. 26, HL. Upon reading the petition of William Penn junior; shewing, that there is a bill now depending before this House, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America; which seems to take away the estate of the petitioner's father (now absent in Pensilvania), purchased from the crown upon a valuable consideration; and praying to be heard, by his counsel against the said bill, so far as it concerns his father, before the second reading thereof:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioner shall be heard, as desired, on Wednesday next, at eleven of the clock, before the second reading of the said bill. (*L. J.*, XVI. 660.)

Apr. 28, HL. Whereas there is a bill depending in this House, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America; against which William Penn is to be heard, by his counsel, as to what relates to his father:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that his Majesty's counsel at law shall have a copy of the said bill; and do attend this House on Wednesday next, at eleven a clock, in order to give the House an account of the reasons for the said bill, and to make good the allegations therein contained. (*Ibid.*, p. 662.)

Apr. 29, HL. Whereas to-morrow was appointed for hearing William Penn, as to what relates to his father, against the bill, intituled, An act for re-uniting to the crown several colonies and plantations in America; as also his Majesty's counsel, to make good the allegations of the bill:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard on Saturday next, and any other persons who shall think themselves therein concerned; and this order to be set on the door of the House.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that William Popple esquire, secretary to the Committee of Trade and Plantations, do attend this House on Saturday next, at eleven of the clock in the forenoon, with such books and papers as are in his custody, and may be useful, in order to make out the allegations of the bill, intituled, An act for re-uniting to the crown the government of several plantations and colonies in America.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Colonel Jeremy Bass,⁶⁷ Captain Joshua Barkstead, Arthur

Council of Trade, declared void the powers formerly granted, and vested all such power and authority in the king, excepting however the title of individuals and corporations to any land, tenements, or hereditaments derived from the charters, and providing also that the colonies should be governed according to the laws there in force and such other laws and constitutions as should from time to time be made by the general assemblies thereof. For the full text of the bill see *MSS. H. of L.*, 1699-1702, pp. 314-315; *N. C. Col. Recs.*, I. 552-554. See also Kellogg, *The American Colonial Charter* (*Am. Hist. Assoc. Rept.*, 1903, vol. I.), pp. 278-291.

⁶⁷ Former governor of the Jerseys, now in England (see note 59, *ante*). Barkstead is accused in a petition of the council and assembly of West New Jersey to the king, May 12, 1701, of publishing the report that his "brother" (Basse) would soon be re-

Bunnyon merchant, Joseph Dudley esquire, George Bromfield merchant, James Butler merchant, John Street gentleman, Peter Renew merchant, Mr. John Leech, Peregrine Trott esquire, Jalibral Brenton esquire, Richard Savage gentleman, Gabriel Thomas, Mr. Walsh, Mr. Nicoll, and Mr. Giles Bean, do attend this House on Saturday next, at eleven of the clock in the forenoon, in order to make out the allegations of the bill there depending, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America. (*Ibid.*, pp. 664-665.)

May 2, HC. Ordered, that Mr. Hammond, Mr. Cox, Sir John Packington, Sir John Thorold, Lord Cornbury, Mr. Dymock, be added to the committee, to whom the petition of Andrew Clifford and Jeronomy Clifford, late inhabitants in Surinam in America, was referred.⁶⁸ (*C. J.*, XIII. 510.)

May 3, HL. Upon reading the petition of Sir Henry Ashurst baronet, agent for the colony of Conecticott; praying, that he may be heard, by his counsel, against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioner shall be heard, as desired, against the said bill, on Thursday next, at eleven a clock.

Upon reading the petition of John Earl of Bathe, in behalf of himself and others, the lords proprietors of the province of Carolina and the Bohame Islands in America; praying, that he may be heard, upon matters relating to the bill, intituled, An act for reuniting to the crown the government of several colonies and plantations in America:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the petitioner shall be heard, for himself and the other proprietors, as desired, at the committee to whom the said bill shall be committed.⁶⁹ (*L. J.*, XVI. 666.)

turned to America in place of Hamilton (*Cal. St. P. Col.*, 1701, p. 422). Bunyan was a London merchant who had given testimony in the Hallam case mentioned in note 58, *ante* (*id.*, 1700, p. 748); Dudley had been president of New England, chief justice of New York, and was later captain general and governor of Massachusetts; Butler had testified in the *Cole and Bean* case (*ante*, p. 401) in South Carolina (*Cal. St. P. Col.*, 1700, p. 304); Renew's ship, the *Swallow*, had also been condemned in the latter colony (*ibid.*, pp. 27, 307); Savage was secretary to the Commissioners of the Customs; Thomas was the author of an *Historical and Geographical Account of the Province and Country of Pennsylvania, and of West New Jersey* (London, 1698), and appeared against Penn (*Cal. St. P. Col.*, 1702, pp. 512-513; *Pa. Hist. Soc., Memoirs*, I. 119-122); Benjamin Nicoll, Patrick Walsh, and Gyles Beene were owners of the *Cole and Bean* (*Cal. St. P. Col.*, 1700, pp. 249-250). Of the others, not identified, Jahleel Brenton (not Jalibral) is suggested: he had been collector and surveyor of the customs for New England, surveyor of the woods in Maine and New Hampshire, and agent for Rhode Island in her boundary dispute with Connecticut (*ibid.*, pp. 67, 522, 664).

⁶⁸ *Ante*, p. 390.

⁶⁹ See under May 8, *post*. The petition stated that the bill had been prosecuted in the absence and to the surprise of the petitioners, consisting of eight proprietors, four of them peers, some under age, and others out of town; and that it would disinherit them of their legal rights by virtue whereof several plantations had been established to the advantage of trade, at an expense of at least £30,000, for which the petitioners had as yet received only £800. It was also held that the bill would ruin a great number of planters unless Carolina and the Bahamas were excepted. (*MSS. H. of L.*, 1699-1702, p. 317.) For Ashurst's extravagant appraisal of his services, see *Mass. Hist. Soc. Colls.*, 6th ser., III. 62.

May 3, HL. Counsel and witnesses, on Mr. Penn's petition, were called in for and against the bill.⁷⁰ Mr. Dodd and Mr. Phipps⁷¹ were heard for Mr. Penn, against the bill, and Mr. Serjeant Darnell and Mr. Montagu⁷² for the bill.

Mr. Montagu: We have witnesses to make good what we have said.

Mr. Randall⁷³ was heard. Counsel for Mr. Penn oppose Randall's being a witness. Several witnesses were heard.

Capt. Street heard: I have been at several trials. Neither judge nor jury nor evidence sworn, and the man hanged for murder.

Mr. Peple⁷⁴ reads some laws made in Pennsylvania, of 8 *d.* per ton. Then papers ordered. (*MSS. H. of L.*, 1699-1702, pp. 315-316.)

May 3, HL. After hearing counsel, for and against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that all papers that lie before the Commissioners of Trade, the Commissioners of the Customs, and commissioners appointed to execute the office of Lord High Admiral of England, relating to any complaint against the governors of any of the plantations or colonies in America, shall be laid before this House so soon as conveniently they can.⁷⁵ (*L. J.*, XVI. 666.)

May 6, HL. This day four papers were brought in, from the Admiralty, pursuant to an order of the third instant:⁷⁶

1. A letter from Mr. Quarry,⁷⁷ dated from Pensilvania, the twentieth of October, 1699; with an inclosed paper, containing an address of the inhabitants of Newcastle to the governor and council of Pensilvania, and other matters.

2. A letter from Mr. Quarry, dated the sixth of March, 1699/0, with two enclosed papers; (*videlicet*,)

Some remarks on the trade, etc.

⁷⁰ The names of George Keith, clerk, Edward Sclater (Slater), gentleman, and Edward Randolph, appear in addition to those named on Apr. 29, *ante* (*MSS. H. of L.*, p. 317). Keith was the founder of a new sect among the Quakers. He came to New Jersey in 1684, where as a surveyor he laid out the division lines in dispute. He later joined the Episcopal Church, and was an active missionary of the S. P. G. His testimony here given was on the subject of appeals in Pennsylvania. (Charles P. Keith, *Chronicles of Pa.*, I. 212-235, 341-342; *Cal. St. P. Col.*, 1702, p. 380). Slater was connected with the disorders in New Jersey (*id.*, 1700, p. 443, *id.*, 1701, p. 396); Randolph was surveyor general of the customs.

⁷¹ Samuel Dodd and Constantine Phipps, the latter afterwards knighted and made Lord Chancellor of Ireland.

⁷² Sir John Darnall and James Montagu, the latter afterwards solicitor general and attorney general.

⁷³ See R. N. Toppan, *Edward Randolph* (Prince Soc.), II. 174-177, V., *passim*.

⁷⁴ Popple (?).

⁷⁵ *Cal. St. P. Col.*, 1701, p. 216.

⁷⁶ These papers with enclosures are printed in full in *MSS. H. of L.*, 1699-1702, pp. 318-342; and are fully calendared in *Cal. St. P. Col.*, 1699, p. 468, *id.*, 1700, pp. 105-109, 649-655.

⁷⁷ Robert Quarry, judge of the middle admiralty district of the American colonies. All these letters and enclosures are concerned with admiralty proceedings, efforts made to capture pirates, and disputed jurisdiction on the part of Penn's government.

Copy of a letter, signed Giles Shelley, and directed to Mr. Stephen Delaney, or, in his absence, to Mr. John Barbary, merchant, in New Yorke.⁷⁸

3. A letter from Mr. Quarry, of the fourth of November, 1700, with three papers; (*videlicet*,)

Copy of a letter from Mr. Moor,⁷⁹ to the Lords of the Admiralty.

Copy of Mr. Penn's commission for Mr. Farmer⁸⁰ to be water bailiff of Philadelphia.

Copy of the petition of John Lundy,⁸¹ with the decree of the Admiralty thereon.

4. A letter from Mr. Quarry, dated the fourteenth of November 1700, with the copy of Mr. Penn's commission for Mr. Farmer to be water bailiff of Philadelphia. (*Ibid.*, p. 668.)

May 8, HL. After hearing counsel this day, upon the petition of Sir Henry Ashurst baronet, agent for the colony of Conecticott, against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America;⁸² as also upon reading the petition of Charles Lord Baltemore, praying to be heard, by his counsel, against the said bill;⁸³ as also upon the petition of William Penn junior:⁸⁴

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that on Monday next, at eleven a clock, the Lord Baltemore and Mr. Penn shall be heard, by their counsel, as desired; and any other persons who shall think themselves therein concerned; and none after. (*Ibid.*, p. 670.)

May 8, HL. . . . Petition of Charles, Lord Baltimore, against the bill, was read. Ordered to be heard, if he be ready. Counsel called in on the petition of Sir Henry Ashhurst for the colony of Connecticut.

Mr. Phipps, for petitioner: They choose their proper officers every year. We have the charter. This government taking away is an absolute dissolving of the colony. We put it upon them to prove any ill done by us.

⁷⁸ This letter, to Delancey, gives an account of Shelley's voyage, goods sold and bought, number of negroes and other passengers on board, etc.

⁷⁹ John Moore, king's advocate in the admiralty courts of Pennsylvania and West Jersey (*Cal. St. P. Col.*, 1700, p. 110), writes concerning the sentence given, May, 1699, against the *Providence*.

⁸⁰ Thomas Farmer, high sheriff of the county of Philadelphia.

⁸¹ "Lumby", in the text and other references in *Cal. St. P. Col.* He was the master of the *Providence*, above mentioned.

⁸² "The Bill will annul the Charter granted to the inhabitants of the colony by Charles II., dated 23 April 1662, whereby the government is granted to the inhabitants; and it is so interwoven with their properties that it cannot be taken away without exposing them to confusion if not utter ruin. The colony lies at a distance from the sea, and the inhabitants have never been accused of any maladministration, piratical or unlawful trade. Their case differs from that of the other plantations. Prays to be heard by Counsel against the Bill, in behalf of the said inhabitants." *MSS. H. of L.*, 1699-1702, p. 317.

⁸³ The petition reads: "Charles I., in 1632, granted by Letters Patent to Petitioner's father, Cecil, Lord Baltimore, the province of Maryland, which the latter and his relations caused to be settled, spending above 50,000*l.* therein. The revenue of the English Crown is much increased thereby, the customs of tobacco amounting to near 60,000*l.* a year, without any expense to the Crown. The Bill would ruin Petitioner, who has not been guilty of any of the matters alleged in the Bill, or done anything to forfeit his ancient inheritance. Prays to be heard by Counsel against it." *Ibid.*, p. 342.

⁸⁴ "Petitioner is informed that several complaints from the Admiralty and other offices are now before their Lordships against his absent father. Prays leave to take

Mr. Serjeant Darnell, for the bill: They deny all appeals from them. The[y] encourage other trade.

Mr. Montagu, for the bill: We think it lies on us only to make good the reasonableness of this bill. They carry on prohibited trade prejudicial to England.

They read [an] Order [of] Council of Trade. Proposed to read affidavits. Opposed by other side, the persons being in town. Counsel withdrew. Proposed to read what they have for the information of the House, and that the other side may object against them after read. Proposed to call in the counsel and read the evidence as it is proposed. Agreed to call in the counsel. Counsel, called in, were told that the counsel for the bill had liberty to read any papers, and those against the bill had liberty to object against them when read. They read letters, depositions and orders.

Mr. Phipps heard to what they have read, and objected against it.

Mr. Phipps heard for Lord Baltimore. He says he was retained but this day. He read only the first part of his charter. I hope he will not be prevented from hearing, though he is not now ready, and hope he shall be heard another time.

Counsel withdrew. Proposed to hear Lord Baltimore or any other persons who shall think themselves concerned therein. Ordered Monday next for all persons peremptorily to be heard, and none after. (*MSS. H. of L.*, 1699-1702, p. 316.)

May 8, HL. The Lord Lexington delivered, from the Commissioners of Trade, seven papers, pursuant to the order of the third instant, concerning the colonies in America; (*videlicet*,)

1. Massachuset's Bay.
2. Olivad Island.⁸⁵
3. Conecticott.
4. East and West New Jersey.
5. Pensilvania.
6. Carolina.
7. Bohamia Islands. (*L. J.*, XVI. 670.)

May 8, HL. Mr. Savage, from the Commissioners of the Customs, delivered three papers; (*videlicet*,)

1. 6th June, 1699. Colonel Quarry. Philadelphia.⁸⁶
2. 10th April, 1700. Colonel Quarry. Pensilvania.⁸⁷
3. 14th November, 1700. Colonel Quarry. Pensilvania.⁸⁸ (*Ibid.*, p. 671.)

May 8, HC. Sir Bartholomew Shower, according to order, reported, from the committee, to whom it was referred to draw up articles of im-

copies thereof and to be heard by counsel, if there appears anything in the papers that seems prejudicial to his father." *Ibid.*

⁸⁵ Very evidently a misreading of "Rhoad" (Rhode) Island.

⁸⁶ Has apprehended four pirates off Cape May and might have secured the rest of them had the local government given any aid. Compares the Pennsylvania act against pirates and privateers with one passed in Jamaica. *MSS. H. of L.*, 1699-1702, pp. 342-345; *Cal. St. P. Col.*, 1699, 274.

⁸⁷ Concerning the capture of a sloop from Curaçao and the rendezvous of pirates at Whorekill, Delaware. *Id.*, 1700, p. 153; *MSS. H. of L.*, pp. 345-346.

⁸⁸ Encloses copy of his letter to the Admiralty, and hopes Penn will recall his late commissions and thus remove the existing opposition to Quarry's court. *Ibid.*, pp. 346-347; *Cal. St. P. Col.*, 1700, p. 649.

peachment against the Lords impeached, the articles of impeachment against Edward Earl of Orford;⁸⁹ which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read; and are as follow; *viz.*

Articles exhibited by the knights, citizens, and burgesses, in Parliament assembled, in the name of themselves, and of all the Commons of England, against Edward Earl of Orford, in maintenance of their impeachment against him for high crimes and misdemeanors. . . .

5. And whereas complaints have been made to the commissioners for executing the office of Lord High Admiral of England, where the said earl at that time presided, by the company trading to the East-Indies, of divers piracies committed in the South-east Seas, to the destruction of their trade; desiring they might have letters of marque granted to them, whereby to be empowered, though at their own charge, to suppress such pirates; but the said earl, preferring his own interest, discouraged and rejected their request and proposal; and, in some short time after, jointly with others, did procure a commission for one William Kidd; as likewise a grant under the great seal of England, to and for the use of him the said earl, and others, of the ships and goods of certain persons therein named, and also of all goods found on board the said ships: and the said company, having intimation of a commission granted to the said Kidd, being apprehensive of the ill consequence of the same, did apply themselves to the said Board of Admiralty, desiring to know what powers and instructions were given; but such their reasonable request was denied; and Kidd, who was known to be a person of ill fame and reputation, ordered to pursue the intended voyage, in which he did commit divers piracies and depredations on the high seas, being thereto encouraged through the hopes of being protected by the high station and interest of the said earl; in violation of the law of nations, and the interruption and discouragement of the trade of England.

6. That the said earl, within the time aforesaid, when an horrid conspiracy was discovered against his Majesty's sacred person, and the kingdom was under an apprehension of an immediate invasion from France; and divers ships of war, particularly the ship *Duchess*, were armed out, equipped, and manned, in defence of the realm, to oppose the intended invasion, did his utmost endeavour to prejudice and weaken the navy royal of England; for that the said earl, by colour of his office, being then first commissioner for executing the office of Lord High Admiral of England, without the privity of the other commissioners, contrary to his oath and duty, and preferring his hopes of gain to himself to the safety of the publick, did order Captain Steward, commander of the ship *Duchess*, to deliver over, and put on board the said Kidd, mentioned in the foregoing article, out of the said ship the *Duchess*, a great number of able seamen, levied and provided at the expence of the publick, and then discharging their duty in defence of their country; and against their own consent; to the prejudice of the publick security, and to the endangering of the said ship the *Duchess*, if it had been attacked by the enemy.

⁸⁹ Admiral Sir Edward Russell, first Lord of the Admiralty and one of the Lords Justices. His impeachment was ordered Apr. 14 (C. J., XIII. 489).

7. That the said earl, during the said war, and at a time of the greatest exigency and necessity, when ships, men, and money, were wanting to guard the seas, and protect our trade, did, by misrepresentations, and contrary to his bounden duty, and the trust reposed in him, procure a grant, or order, for his Majesty's ship the *Dolphin*, then fitted out, manned, and equipped, for the service of the publick, to be employed in a private voyage and undertaking for the advantage of himself, and others concerned with him: ⁹⁰ in pursuance whereof, and for their private gain, the said ship was, at the publick expence, continued in foreign parts for several months; to the destruction and loss of his Majesty's subjects on board the same; to the weakening the navy, by rendering the said ship unserviceable; and the increasing the debts of the publick. . . .

Resolved, that the said articles be read a second time, article by article.

And the same were severally read a second time; and, upon the question severally put thereupon, agreed unto, by the House, to be the articles of impeachment against the said Earl of Orford.

Ordered, that the said articles of impeachment be ingrossed.

Resolved, that such witnesses, as are necessary to be made use of in relation to the said impeachment, have the protection of this House during their attendance upon that service.⁹¹ (*C. J.*, XIII. 520-521.)

May 9, HL. Upon reading the petition of William Penn esquire, in behalf of his father, now absent in Pensilvania; shewing, that he, having recourse to the papers laid before this House from the Commissioners of the Admiralty, Plantations, and Customs, perceives several papers are not laid before this House, which were sent to the said commissioners, and are for the advantage of his father:⁹²

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the commissioners for executing the office of Lord High Admiral of England, the Commissioners of the Customs, and Commissioners of Trade, do lay before this House all the papers that may any way concern Mr. Penn's father, to-morrow at eleven a clock. (*L. J.*, XVI. 676.)

May 10, HL. Papers received from the Admiralty, concerning Mr. Penn; (*videlicet*,)

1. A letter from Mr. Penn, dated at Pensilvania, 10th December 1700.⁹³

2. A letter from Colonel Quarry, dated from the same place, 10th March 1699/1700.⁹⁴

Received from the Commissioners of the Customs:

A letter from Colonel Quarry, from Philadelphia, 6th March 1699/1700.

⁹⁰ Concerning the *Dolphin* see *ante*, pp. 338, 339, 341, 346, 353.

⁹¹ The next day the articles were sent to the Lords and by them read (*L. J.*, XVI. 672-674). Orford's answer was made May 14 (see *post*).

⁹² The petition in full is printed in *MSS. H. of L.*, 1699-1702, p. 347.

⁹³ *Ibid.*, pp. 347-351. Concerns the case of the *Providence*, John Lumby, commander, and his relations with Quarry in admiralty proceedings.

⁹⁴ A duplicate of his letter of Mar. 6 which was presented May 6 (*ante*), and identical, *mutatis mutandis*, with the one of same date to the Commissioners of the Customs mentioned below. *Ibid.*, pp. 351-353.

A list of papers and letters in the custody of the Commissioners of Trade, were brought into this House, relating to Pensilvania.⁹⁵ (*Ibid.*, p. 678.)

May 12, HL. Whereas this day was appointed, for hearing the Lord Baltimore, Mr. Penn, and others, for and against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard, by their counsel, to-morrow, at eleven a clock (*Ibid.*, p. 679.)⁹⁶

May 13, HL. After hearing counsel for the Lord Baltimore, against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America; as also counsel for the bill: ⁹⁷

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Wm. Penn, and others who think themselves therein concerned, shall be heard, by their counsel, on Saturday next, at eleven a clock: and that all the causes and hearings be removed in course. (*Ibid.*, p. 680.)

May 14, HL. This day Edward Earl of Orford, delivered his answer to the articles of impeachment of the House of Commons against him. Which was read, by the clerk, as follows; (*videlicet*,)

The answer of Edward Earl of Orford, to the articles exhibited against him by the knights, citizens, and burgesses, in Parliament assembled, in the name of themselves, and of all the Commons of England, in maintenance of their impeachment against the said earl, for high crimes and misdemeanors supposed to be committed by him.

The said earl, saving to himself all advantages of exception to the said articles, and of not being prejudiced by any words or want of form in this his answer, and saving to him all privileges and rights belonging to him as one of the peers of this realm; for answer to the said articles, humbly saith. . . .

5. To the fifth article, the said earl saith, that the East India Company, about the beginning of March one thousand six hundred ninety and six, did apply to the Admiralty Board, of which the said earl was one, to empower their ships and officers to seize and take all pirates infesting the seas within the limits of their charter, and likewise to erect a court of admiralty in those parts, to try and condemn such pirates as they should

⁹⁵ Forty-six in all, listed by title, *ibid.*, pp. 353-355.

⁹⁶ Kidd this day petitioned Robert Harley, the Speaker of the House of Commons, to represent to that body that he had lodged goods and treasure to the value of £100,000, which he desired the government to possess, and to ask for the appointment of a committee to go to him on the subject. An earlier petition in April, to the same, reviewed some points in his hearing before the House, and enclosed "a short and true state" of his case which he referred to the consideration of the Commons. The *Journals* are silent regarding these. Both are printed in Jameson, *Privateering and Piracy*, pp. 250-253; and in Hist. MSS. Comm., *Portland MSS.*, IV. 16-18. See also *id.*, VIII. 78-80. Kidd's trials were held May 8 and 9, and he was hanged at Execution Dock, May 23. Hargrave, *State Trials*, V. 287-338.

⁹⁷ "Counsel heard for L. Baltimore. Mr. Phipps heard for L. Baltimore: This will be the ruin of my Lord's family. Mr. Dodd heard also. Mr. Serjeant Darnell and Mr. Montagu heard for the Bill." MSS. H. of L., 1699-1702, p. 316.

take; upon which application, the Board of Admiralty did take advice, and were informed they had no authority to grant the same; and denies he the said earl ever discouraged or rejected the company's request therein, unless it were by telling them that the Admiralty by law could not grant the same; and denies that the company was ever denied letters of marque in common form, to the knowledge of the said earl: and saith, as to the matter of Kidd in this article mentioned, he was gone upon his expedition about twelve months before that time; and as to his commission, and the grant in the said article mentioned, the said earl humbly conceives, and is advised, the same were not contrary to law; but sure he is, the said expedition was intended for the public good and service; and saith, the said Kidd had no powers or instructions from the Board of Admiralty, other than the ordinary and common letters of marque, the contents whereof are common, and well known to merchants: and the said earl doth deny, that he knew the said Kidd to be of ill fame and reputation; but in case the said Kidd hath committed any piracies, he the said Kidd is answerable, and ought to answer for the same, he never being ordered by the said earl so to do; nor had he ever any the least encouragement given him by the said earl, or any other to his knowledge, to expect or hope for any protection therein, or in any illegal action done or committed by him.

6. To the sixth article, the said earl saith, he believes it to be true, that there was a horrid and barbarous plot and conspiracy against his Majesty's sacred person, and that there was an apprehension of an immediate invasion, but the said earl hopes no neglect of duty in his station can be imputed to him to prevent the same: and as for the ship *Dutchess*, which was, amongst many others, armed and equipped in defence of the realm, the said earl saith, that the men, in the said article mentioned to be taken from on board her, were but some of the very persons that were just before taken from on board Captain Kidd, and returned by their own consent on board Captain Kidd again, not being above twenty in number; and saith, all fears of the invasion were then over and at an end; and denies that the same was intended to weaken, or did weaken, the said ship or the navy royal; or that the said seamen, so returning on board the said Kidd, were levied or provided at the expence of the public; or did return, or were put on board the said Kidd, against their own consent, or to the prejudice of the public security; or that the ship *Dutchess* was thereby endangered, if she had been attacked, as in the said article is alledged.

7. To the seventh article, the said earl answereth, and denies that he did, by misrepresentation or otherwise, obtain or procure a grant or order for his Majesty's ship *Dolphin* to be employed in a private voyage or undertaking; but what was done therein was done after the peace concluded, and by his Majesty's command, at the instance and request of other persons, and not of the said earl, but contrary to his opinion; nor was the said earl any way concerned in interest therein, till after his Majesty's orders were given about the said ship; and then, and not before, some of the persons concerned in the said adventure desired the said

earl to take some shares therein (the number whereof he doth not remember), which the said earl accordingly did; but humbly insists, that his actings therein were not contrary to his duty, or the trust in him reposed, or the debts of the nation thereby increased. . . .

And having thus laid his case before your Lordships; he the said earl does humbly insist and answer to the said impeachment, and all and every the articles aforesaid exhibited against him, that he is not guilty of all or any of them, or of all or any the matters or things by the said articles charged, in manner and form as the same are therein and thereby alleged against him; and that the matters by him before set forth to be done and transacted, or any of them, were not done or committed by him the said earl against our Sovereign Lord the King, his crown or dignity, or the peace or interest of this kingdom, or in breach of the trusts reposed in him the said earl; and humbly submits himself herein to your Lordships judgement.

ORFORD. . . .⁹⁸

(*L. J.*, XVI. 681–683.)

May 14, HL. Whereas this day was appointed to hear Mr. Penn and others, by their counsel, against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that they shall be heard, by their counsel, on Saturday next, at eleven a clock; and that all causes and hearings do come on in course afterwards. (*Ibid.*, p. 684.)

May 16, HL. The House being informed, that Mr. Edward Randall,⁹⁹ who is now attending this House, upon the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America, is threatened to be arrested:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said Edward Randall shall have the protection of this House, during the dependance of the said bill in this House. (*Ibid.*, p. 687.)

May 16, HC. Mr. Ogle reported from the committee to whom it was referred to inquire what laws are near expiring, and are fit to be continued, that they had considered thereof; and had come to several resolutions; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table; where the same were read; and are as followeth; *viz.*

Resolved, that it is the opinion of this committee, that an act, made in the thirteenth and fourteenth years of the reign of King Charles the

⁹⁸ The following day these answers were sent to the Commons (*L. J.*, XVI. 685), where they were read May 16 (*C. J.*, XIII. 544). May 20, Orford moved for a day for his trial which was later set for June 9 (*L. J.*, XVI. 696, 712). In the meantime a debate arose between the two Houses over precedents, involving also the impeachments of Somers, Portland, and Halifax. Finally, on June 23, the Lords present voted unanimously for Orford's acquittal. Somers was acquitted June 17. *Ibid.*, pp. 714–767 *passim*; *C. J.*, XIII. 594–639 *passim*; *MSS. H. of L.*, 1699–1702, pp. 297–302; A. S. Turberville, *The House of Lords in the Reign of William III.* (Oxford Studies, vol. III.), pp. 209 *et seq.*

⁹⁹ Randolph.

Second, intituled, An act for preventing of theft and rapine upon the northern borders of England; and continued by an act made in the seventh and eighth years of his present Majesty's reign; be continued.¹⁰⁰

The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill or bills be brought in upon the said resolutions: and that Mr. Ogle do prepare, and bring in, the same. (*C. J.*, XIII. 543-544.)

May 16, HC. Mr. Harcourt reported from the committee appointed to draw up articles of impeachment, that they had drawn up articles accordingly against John Lord Somers Baron of Evesham, in maintenance of the impeachment against him for high crimes and misdemeanors: and he read the same in his place; and afterwards delivered them in at the clerk's table: where the same were read.

Ordered, that the said articles be read, article by article. . . .

The said articles were read, article by article; and, upon the question severally put thereupon, agreed unto by the House to be articles of impeachment of high crimes and misdemeanors against the said Lord Somers: and the same are as follow; *viz.*

13. That, in the year of our Lord 1695. the said Lord Somers, being then Lord Keeper of the Great Seal of England, as also one of his Majesty's most honourable Privy-Council, together with Edward Earl of Orford, then first commissioner for executing the office of Lord High Admiral of England, and commander in chief of his Majesty's navy royal, and one of his Majesty's most honourable Privy-Council, Richard Earl of Bellamont in the kingdom of Ireland, governor of New-York and New-England, and others, then in high stations, and in great power and authority, procured a commission to be granted unto one William Kidd, a person of evil fame and reputation, and since that time convicted of piracy, to apprehend, and take into his custody, divers persons therein named, and all such pirates as the said Kidd should meet with upon the coasts or seas of America, or in any other seas or parts, with their ships and vessels, and also such merchandizes, goods, and wares, as should be found on board, or with them: and afterwards the said Lord Somers, in the year of our Lord 1697. with the assistance of the said Earl of Orford, and other persons aforesaid, procured a grant from his Majesty; and the said Lord Somers passed the same under the great seal of England; whereby all and whatsoever ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which, since the 30th day of April 1696. had been taken or seized upon or with, or did belong to, or which should be taken or seized upon or with, or did or should belong to, Thomas Soo,¹⁰¹ John Irelands, Thomas Wake, and William Maze, in the said letters-patents mentioned to have been complained of, and informed against, for committing many robberies, piracies, and depredations, upon

¹⁰⁰ 12 and 13 Gul. III. c. 6 (*Statutes*, VII. 641), providing for transportation to America in certain cases, of thieves in Northumberland and Cumberland counties (see vol. I. of this series, pp. 336-338, 423). The act was further continued by 6 Geo. II. c. 37, and by 17 Geo. II. c. 40.

¹⁰¹ Tew; *ante*, p. 330.

the seas in the parts of America, and other places, but never convicted or attainted for the same; or which, since the said 30th day of April 1696. had been taken or seized upon; or which did or should belong to any of the adherents of the said Thomas Soo, John Ireland, Thomas Wake, and William Maze, or any other pirates, freebooters, and searovers, by the said William Kidd, or other commander of the *Adventure-Gally*; or which by, or by means of the said ship or gally, should be taken, or forced on shore, in any of his Majesty's plantations of America; were granted unto the said Richard Earl of Bellamont, and unto Edmund Harrison merchant, Samuel Newton gentleman, William Rowley gentleman, George Watson gentleman, and Thomas Reynolds, of St. Martin's¹⁰² their executors, administrators, and assigns, to their own sole use and benefit, and as their own proper goods and chattels, without any account thereof or therefore to be made; in which grant, the name of the said Samuel Newton was used in trust, and for the only benefit and advantage of the said Lord Somers: which said grant, under the great seal of England manifestly tended to the destruction and discouragement of trade and navigation, the great loss and prejudice of merchants and others, being his Majesty's subjects, or subjects of the friends and allies of his Majesty, and the dishonour of the king and kingdom; and the said Lord Somers was, by procuring and passing the said grant, guilty of a notorious breach of his duty.

Ordered, that the said articles of impeachment be ingrossed.¹⁰³ (*Ibid.*, pp. 546, 549-550.)

May 17, HC. A petition of Thomas Hodges esquire was presented to the House, and read; setting forth, that the petitioner, and many others, are great sufferers by the mal-administration of justice in the island of Barbados: that the court of chancery, which formerly sat once a month, and as many succeeding days as were found necessary for dispatch of the several causes there depending, now very rarely sits, being adjourned for seven months together; and all other courts there: which grievances proceed from the unskilfulness of the governor in the duties of a chancellor and chief-justice: and praying, that such remedy may be applied, as the House shall think fit.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same to the House:

And it is referred to Mr. Howe, Sir Rowland Gwynne, Mr. Harcourt, Mr. Ash, Mr. Freeman, Mr. Heysham, Sir Edw. Ernley, Mr. Hoblyn, Sir Fran. Child, Sir Theophilus Oglethorpe, Mr. Fuller, Mr. Gwynne, Sir Humphry Foster, Sir John Mordant, Mr. Bridges, Sir John Phillips, Mr. Wheeler, Mr. England, Sir Edward Turner, Mr. Taylor, Sir Robert Davers, Mr. Lewis, Sir Tho. Cook, Sir Charles Hotham, Mr. Vaughan, Mr. Wollaston, Sir Wm. Ashurst, Mr. Owen, Sir Henry Gough, Mr. Cooke, Mr. Blofeld, Sir Richard Cocks, Mr. Nevill, Mr. Bromley, Mr. Mompesson, Mr. Lawson, Sir Henry Pickering, Mr. Cox, Sir Arthur

¹⁰² The omission is in the *Journals*.

¹⁰³ Sent to the Lords and read May 19 (*L. J.*, XVII. 689-695). Somers delivered his answer on May 24 (*post*).

Owen, Mr. Ogle: and they are to meet at five a clock this afternoon, in the Speaker's Chamber: and have power to send for persons, papers, and records.

Ordered, that it be an instruction to the said committee, that they do inquire into all mismanagements and grievances of the said island of Barbados.¹⁰⁴ (*C. J.*, XIII. 551.)

May 17, HL. Counsel called in for Mr. Penn. Mr. Phipps proposes to read some papers delivered into this House. They read a letter from Mr. Penn, 15 Oct. 1697,¹⁰⁵ [and] a letter, 14 Feb. 1697-98.¹⁰⁶ They read an address to King William. They read several letters. They read a proclamation of Mr. Penn for preventing of pirates.¹⁰⁷ They read an address from the general assembly of the country.¹⁰⁸

Mr. Dodd: We hope the papers read will fully justify Mr. Penn. The papers read have sufficiently exposed Mr. Randall in what he has said.

Barholo. Browne (sworn) and heard. Arthur Bunyon¹⁰⁹ and John Swift (sworn).

Mr. Serjeant Darnell, for the bill: Mr. Penn is to transmit every three years the laws to England; but, says Mr. Penn, let us make these laws annual and we shall put that out of their power. The Quakers not sworn are jurymen, etc.

Mr. Montagu, for the bill: This bill is founded upon the general reason that no power in the plantations should be independent of England.

Several persons were heard in this business. Mr. Basse heard.

Ordered that the bill be read 2a on Wednesday next,¹¹⁰ and all the Lords summoned. (*MSS. H. of L.*, 1699-1702, p. 316.)

May 17, HL. After hearing counsel and witnesses for Mr. Penn, against the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America; as also counsel and witnesses for the bill:

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said bill shall be read the second time on Wednesday next; and all the Lords summoned to attend. (*L. J.*, XVI. 688.)

May 23, HL. *Hodie 2a vice lecta est billa*, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America.

Upon the second reading of the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America;

¹⁰⁴ *Cal. St. P. Col.*, 1701, contains numerous complaints from Hodges of the delay of justice in Barbados. Governor Grey had been ordered to answer these, and replied that the delay was due to an outbreak of fever. This apparently satisfied the Council of Trade but not Hodges, who wrote anonymously a pamphlet entitled *Plantation Justice*, and carried his complaint to Parliament. No action, however, was taken this session, but in the next Parliament his petition was dismissed as "vexatious and scandalous". *Acts P. C. Col.*, II. 359; *Cal. St. P. Col.*, 1701, pp. lii-liv, 53, 113, 141, 160, *id.*, 1702, p. 295.

¹⁰⁵ To William Popple, on the subject of pirates. *Cal. St. P. Col.*, 1696-1697, p. 636.

¹⁰⁶ To Council of Trade and Plantations, concerning the giving of security by proprietors for their governors. *Id.*, 1697-1698, pp. 105-106.

¹⁰⁷ Dec. 23, 1699, offering £10 reward for the apprehension of pirates. *Id.*, 1700, p. 86.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ante*, note 67. Browne and Swift are unidentified.

¹¹⁰ Postponed to May 23. *L. J.*, XVI. 697.

as also upon reading the petition of John Earl of Bath on behalf of himself and others, the lords proprietors of the province of Carolina and the Bohemia Islands, in America:¹¹¹

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the said bill shall be committed to a committee of the whole House, on Monday the second day of June next; at which time the petitioners shall be heard, by their counsel, to the said bill. (*Ibid.*, p. 700.)

May 23, HC. A bill for continuing the acts therein mentioned for preventing theft and rapine upon the northern borders of England, was read the first time.¹¹²

Resolved, that the bill be read a second time. (*C. J.*, XIII. 561.)

May 24, HL. The Lord Sommers delivered his answer to the articles of impeachment of the House of Commons against him.

Which was read, by the clerk, as followeth; (*videlicet*,)

The answer of John Lord Sommers, Baron of Evesham, to the articles exhibited, by the knights, citizens, and burgesses, in Parliament assembled, in the name of themselves and of all the Commons of England, in maintenance of their impeachment against him, for high crimes and misdemeanors supposed to be by him committed.

The said Lord Sommers, saving to himself all advantages of exception to the said articles, and of not being prejudiced by any words or want of form in this his answer; and also saving to himself all rights and privileges belonging to him as one of the peers of this realm; for answer to the said articles, humbly saith. . . .

13. To the thirteenth article; the said Lord Sommers saith, he doth admit that, in the year one thousand six hundred ninety-five, he being then Lord Keeper of the Great Seal of England, his Majesty being informed, as the truth was, that Thomas Too, John Ireland, Thomas Wake, and William Maze, and several other of his Majesty's subjects in his plantations of America, had associated themselves, and did frequently commit great piracies, robberies, and depredations on the seas, in the parts of America, and other parts, to the hinderance and discouragement of trade and navigation; for preventing the said mischiefs, did grant a commission, as in this article is mentioned, unto William Kidd in this article named (who was then commander of the ship called the *Adventure Galley*, and was not then, to the knowledge or belief of the said Lord Sommers, esteemed a person of ill fame or reputation), to apprehend, seize, and take into his custody, the said Thomas Too, John Ireland, Thomas Wake, and William Maze, and all such other pirates as he should meet with, in the seas of America, or any other seas, with their ships and vessels, and such merchandizes, monies, and wares, as should be found on board or with them, and to cause such pirates to be brought to a legal trial; the granting of which commission was then apprehended to be necessary for the preservation of trade and navigation: and the said Lord Sommers doth also admit, that a grant, dated the seven and twentieth day of May one thousand six hundred ninety-seven, did pass

¹¹¹ *Ante*, p. 403, note 69. "Bohemia", of course, means "Bahama".

¹¹² Note 100, *ante*.

under the great seal of England, as in this article is mentioned; whereby, reciting the said commission so granted to the said William Kidd, and that the said *Adventure Galley* was, with his Majesty's knowledge and royal encouragement, bought and fitted out to sea for the execution of the said commission, at the charge of the Earl of Bellamont, Edmund Harrison, Samuel Newton, William Rowley, George Watson, and Thomas Reynolds, in this article named, his Majesty, for encouraging and rewarding the said undertaking, did grant unto the said Earl of Bellamont, Edmund Harrison, William Rowley, George Watson, Thomas Reynolds, and Samuel Newton (who was named by and in trust for the said Lord Sommers), their executors and administrators, all and whatsoever ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which, since the thirtieth day of April one thousand six hundred ninety-six, had been taken or seized upon or with, or did belong to, or should happen to be taken or seized upon or with, or which did or should belong to, the said Thomas Too, John Ireland, Thomas Wake, and William Maze, or their adherents, or any other pirates, by the said William Kidd, or other commanders of the said *Adventure Galley*, or which by or by means of the said ship or galley should be taken, or forced on-shore, on any of his Majesty's plantations in America, so far as the said premises, or any of them, did, should, or might, belong to his Majesty, or could or might be granted or grantable by him, or was or were in his power to dispose of: which grant was not intended to be without an accompt; for the said Lord Sommers saith, that, by indenture, bearing date the two and twentieth day of May one thousand six hundred ninety-seven, made (after the warrant for the said grant was signed, and before it was past) between his Majesty of the one part, and the said Earl of Bellamont, Edmund Harrison, William Rowley, George Watson, Thomas Reynolds, and Samuel Newton, of the other part; they the said Earl of Bellamont, Edmund Harrison, William Rowley, George Watson, Thomas Reynolds, and Samuel Newton, did covenant, promise, and agree, with his Majesty, his heirs and successors, well and truly to account for, and deliver upon oath, to the use of his Majesty, his heirs and successors, or the commissioners of his or their treasury, or his or their high treasurer, a clear tenth part (the whole in ten equal parts to be divided) of all and every such ships, vessels, goods, merchandizes, and other things whatsoever, which in and by the said grant should be given, or which should from time to time be taken, or seized, or secured, by them, or any of them, their or any of their executors or administrators, officers, agents, servants, or assigns, by virtue or colour thereof; to which grant and indenture the said Lord Sommers for more certainty referreth himself. And further saith, he conceives, and is advised, that the said grant did not any way tend to the obstruction or discouragement of trade or navigation, or to the loss or prejudice of merchants, or others his Majesty's subjects, or the subjects of his friends or allies, nor to the dishonour of his Majesty or the kingdom; nor was the passing of the same any breach of the duty of the said Lord Sommers; but the said grant was formed as a recompense to the said grantees, who, at their own charge, had provided and fitted out the said ship, to enable the said William Kidd to

execute the powers in the said commission mentioned, whereby the public might have received great benefit, had the said William Kidd faithfully discharged the trust in him reposed by his Majesty and the said grantees; which he failing to do, the owners of the said ship have lost their expences, and have not received any benefit of his Majesty's said grant. . . .¹¹³ (*L. J.*, XVI. 700-701, 704-705.)

May 26, HC. A petition of several planters interested in, and merchants trading to, the island of Barbadoes, on behalf of themselves, and the rest of the proprietors, and inhabitants, of the said island, was presented to the House, and read; setting forth, that there is a duty of 4 and $\frac{1}{2}$ per cent. laid on the commodities of the growth of the said island exported, by an act of the country, in consideration of the great charges necessary for the maintaining the honour and dignity of his Majesty's authority there, the publick meetings of the sessions, the often attendance of the council, the reparation of the forts, the building of a sessions-house and prison, and defraying all other publick charges incumbent on the government, as may appear by the said act, which passed there in September 1663: that the said duty hath been ever since collected in the said island by officers appointed thereunto, by and under the directions of the Commissioners of his Majesty's Customs in England; but the produce thereof hath been applied to other uses here than by the said act was intended; whereby the forts, and other fortifications there, are become very much out of repair, and in no condition of defence: that the petitioners are informed, that, by the act passed in the 9th and 10th year of his Majesty's reign, intituled, An act for granting to his Majesty a further subsidy of tonage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household,¹¹⁴ the said duty of 4 and $\frac{1}{2}$ per cent. collected in Barbadoes, is made applicable towards the raising the said 700,000 *l.*; which, they presume, had not been done, if this House had been rightly informed to what uses the said duty was appropriated: and they rather presume so, for that it will be a great discouragement to the subjects in the plantations, to raise money for the security and support of the governments thereof, and they shall be taken away, and applied to other uses: and praying relief in the premises.

Ordered, that the consideration of the said petition be referred to the committee of the whole House, who are to consider further of ways and means for raising the supply granted to his Majesty. (*C. J.*, XIII. 569-570.)

May 27,¹¹⁵ HC. A bill for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England, was read a second time.

Resolved, that the bill be committed (*Ibid.*, p. 573.)

May 31, HC. Mr. Ogle reported from the committee, to whom the bill for continuing the acts therein mentioned, for preventing theft and

¹¹³ See note 98, *ante*. The trial was finally fixed for June 17, when Somers was acquitted by the vote 56-32.

¹¹⁴ *Ante*, p. 242. See entry of June 16, *post*.

¹¹⁵ Erroneously dated the 17th in the *Journals*. The names of the committee, here omitted, are given in the original.

rapine upon the northern borders of England, was committed, that they had made some amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout, and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

A clause was offered to be added to the bill, that the act may be pleaded as a publick act:

And the same was twice read; and, upon the question put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*C. J.*, XIII. 586.)

May 31, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Mr. Benjamin Durzy, secretary to the lords proprietors of Carolina, do bring with him the letters patents granted of that province, on Monday next, at eleven a clock in the forenoon; as also the Fundamental Constitutions of that government, and the aquarian laws, and temporary laws, made by the lords proprietors.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that Mr. John Amy,¹¹⁶ Captain Isaac Rush, Captain John Tayler, Captain Thomas Man, Mr. Johnson, Jonathan Butler, Margaret Notell, and Edward Traunter, do and they are hereby required to attend this House, on Monday next, at eleven a clock in the forenoon, as witnesses, to be examined in relation to the bill depending in this House, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America. (*L. J.*, XVI. 715.)

June 2, HL. Whereas this day was appointed for the House to be in a committee upon the bill, intituled, An act for re-uniting to the crown the government of several colonies and plantations in America; and the Earl of Bathe and others to be heard, by their counsel, thereunto:

It is ordered, that the House shall be put into a committee thereupon, on Wednesday next; and the Earl of Bathe and others then to be heard.¹¹⁷ (*Ibid.*, p. 717.)

June 2, HC. A petition of Jonathan Langley esquire was presented to the House, and read; setting forth, that the petitioner raised and commanded a company of one hundred men in the regiment commanded by the honourable Colonel Francis Russell, late governor of Barbadoes;¹¹⁸

¹¹⁶ Thomas Amy was one of the proprietors of Carolina, but no reference to John was found, nor to Johnson, Jonathan Butler, Margaret Notell, or Traunter. A John Tayler was advocate of the vice-admiralty court in Virginia (*Cal. St. P. Col.*, 1699, pp. 78, 315), and there are petitions of John Taylor, a merchant engaged in the plantation trade, listed in *Acts P. C. Col.*, II. 255, 270, 516. Mann was master of the *Edward and Francis* and carried messages and merchandise from the Carolinas and Bahamas to the proprietors at home (*ibid.*, p. 282; *Cal. St. P. Col.*, 1699, pp. 283, 357). References to Capt. Isaac Rush of New Providence are given in *id.*, 1700, pp. 137, 261, 412.

¹¹⁷ Further postponements, for which Ashurst assumed credit, are noted June 4, 6, 11 (*L. J.*, XVI. 722, 726, 736; *Mass. Hist. Soc. Colls.*, 6th ser., III. 75; *MSS. H. of L.*, pp. 316-317). See Penn's letter to Harley, Aug. 27, 1701 (*MSS. Duke of Portland*, IV. 19); and for plans to reintroduce the bill, see *Cal. St. P. Col.*, 1702, pp. 86, 90, 95, 98.

¹¹⁸ Langley, once a member of the council of Barbados, was related to Russell and administered the latter's estate. Russell considered him a man "of extraordinary parts and bearing". *Cal. St. P. Col.*, 1693-1696, pp. 444, 602, *id.*, 1696-1697, p. 76.

and served in that island from the first going over of the said regiment, being first captain; and, for great part of the time, was obliged to support his men out of his own pocket and credit, returns being very difficult and uncertain, by reason of the late war with France; and was twice taken prisoner by the French in his return, and lost that little he had got by that troublesome voyage; and, procuring the ship, in which he was taken, to be ransomed, was, under God, the instrument of preventing both the West-India and Virginia fleets from being made prisoners by the French, by giving seasonable advice to their excellencies the then Lord Justices: and praying he may be inserted in the list of officers in half-pay, to commence from the disbanding of the said regiment; and be otherwise considered for his services and losses, as shall be thought most fit.

Ordered, that the said petition do lie upon the table until the report from the committee, to whom it was referred to inspect the papers relating to half-pay, shall be made. (*C. J.*, XIII. 590.)

June 3, HC. An ingrossed bill for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England, was read the third time.

Resolved, that the bill do pass: and that the title be, An act for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England.

Ordered, that Mr. Ogle do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 591.)

June 3, HC. Mr. Conyers, according to order, reported, from the committee of the whole House, to whom it was referred to consider of ways and means for raising the supply granted to his Majesty, the resolutions which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

16th, Resolved, that, etc. That the several duties upon coffee, tea, chocolate, and spices, and other duties, granted by an act made in the sixth and seventh years of his Majesty's reign, intituled, An act for granting to his Majesty several additional duties on coffee, tea, chocolate, and spices, towards satisfaction of the debts due for transport-service, for the reduction of Ireland, and continued by another act made in the ninth and tenth years of his Majesty's reign, be further continued.¹¹⁹

17th, Resolved, that, etc. That the said duties be continued, from the thirtieth of April one thousand seven hundred and one, for the term of five years.

Ordered, that a bill, or bills, be brought in upon the said resolutions: and that Mr. Attorney-General, Mr. Conyers, and Mr. Lowndes, do prepare, and bring in, the same. (*Ibid.*, pp. 592-593.)

June 3, HL. *Hodie ia vice lecta est billa*, intituled, An act for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England. (*L. J.*, XVI. 719.)

¹¹⁹ *Ante*, pp. 117, 231. The continuing act, based upon these resolutions, became 12 and 13 Gul. III. c. 11 (*Statutes*, VII. 716).

June 4, HL. *Hodie 2a vice lecta est billa*, intituled, An act for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England.

Hodie 3a vice lecta est billa, intituled, An act for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, the Lords have agreed to the said bill, without any amendment.¹²⁰ (*L. J.*, XVI. 722.)

June 4, HC. A petition of James Cowse esquire, and Elizabeth his wife, was presented to the House, and read; setting forth, that the petitioners, some time since, filed a bill in the court of chancery, in the island of Barbadoes, against William Sharpe esquire, a member of the council, and of the said court, for the recovery of five thousand five hundred and twelve pounds ten shillings, and the interest thereof; to which bill the said defendant having pleaded and demurred, near fourteen months passed before the petitioners could bring on the said plea and demurrer to be argued, by reason of the great delays, and frequent adjournments, of the said court, and the great power and interest of the said William Sharpe: that, upon argument of the said plea and demurrer, on the 6th November 1700. the petitioners bill was dismissed; and thereupon they applied themselves, within fourteen days, to the honourable Ralph Grey esquire, governor of the said island, to be admitted to their appeal to his Majesty in Council, pursuant to his Majesty's instructions to the said governor: but, though the liberty of appealing be due, of common right, and the said instructions are positive, that appeals shall be allowed in such cases; and though it had always, till then, been the constant practice of the said governor, and other preceding governors, of that island, to allow appeals, without the concurrence of the council; yet the said governor did refuse to admit such their appeal, until he should advise with the council: whereupon the petitioner James Cowse, having waited in vain for the sitting of a council, came for England, to have the said appeal allowed; and though his Majesty in Council has been graciously pleased to direct, that the petitioners be admitted to their appeal, yet the hearing is put off to November next, to their great prejudice; whereas, if the said governor had allowed, when demanded, the petitioner might have had a hearing, and saved eight months delay, and attendance in England, to the neglect of his affairs in that island: and praying the House to take the premises into consideration, and to provide such remedy for the same, that the petitioners, and others, may not meet with the like usage for the future.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Thomas Hodges is referred.¹²¹ (*C. J.*, XIII. 595.)

¹²⁰ *C. J.*, XIII. 595. The royal assent was given June 12. *Ibid.*, p. 625; *L. J.*, XVI. 738.

¹²¹ The Commons took no action, but in Dec., 1704, the Privy Council reversed the original decree so far as it related to Elizabeth Cowes. *Acts P. C. Col.*, II. 363-365.

June 6, HC. A petition of Isaac Hawkins, of the Inner-Temple, esquire, one of the executors of Barbara Newton, late of Barbadoes, deceased, for and on the behalf of divers infants, legatees of the said Barbara, was presented to the House, and read; setting forth, that the said Newton having, some time before her death, brought an action of debt, in the said island, against John Gibbs esquire, late one of the council of the said island, on a bond of thirty thousand pounds penalty, whereon there was about six thousand pounds then justly due to her, the court of law did give a groundless judgment against her; whereupon she brought a writ of error, in the court of errors, which affirmed the said judgment; whereupon she exhibited a bill in the court of chancery of the said island, for relief; but the said court of chancery, consisting of the same persons who were judges of the writ of error, some of whom were, as the petitioner is informed, interested in the said suit, her bill was dismissed; whereupon she appealed to the King in Council against the said judgment and decree, and died before the same came to a hearing; having made the petitioner one of her executors, who, with his fellow-executors, brought the said cause to a hearing the 15th of August 1695. when his Majesty set aside the said judgment and decree, and left the petitioner, and his fellow-executors, at liberty to begin a new suit; soon after which the said Gibbs died; having first, as the petitioner is informed, settled his estate in the best manner he could, to keep the same from being liable to satisfy the petitioner's demands; insomuch that, he is now advised, he lieth under a necessity to sue for the same in the chancery of the said island, the judicature of which consists of the governor, and twelve gentlemen, who are the council of the said island, and who, for the most part, are merchants or planters, and great dealers in the said island; and, in a place no larger than that, must of necessity be interested in many causes that come before them; and some of them now, and ever since the commencement of the said suit, have been, as the petitioner is informed, interested in the consequence of the said suit, though they be not directly therein named; insomuch that he cannot prevail with his fellow-executors to run the hazard of any further proceedings there, till that court be better regulated, they fearing the like success; whereby the infants will be totally deprived of the said money: and praying, that the House would take into consideration the great hardship it is to the petitioner, and many others, to have their causes heard and determined by the major votes of persons fervently interested in the causes that come before them; and that some remedy may be provided, to prevent the like mischiefs for the future.

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of Thomas Hodges esquire is referred.¹²² (*Ibid.*, p. 598.)

June 6, HC. Mr. Lowndes, according to order, presented to the House a bill for . . . continuing several additional duties upon coffee, tea,

¹²² The House took no action. But the Council referred the matter to the Board of Trade which recommended that in the instructions for Mitford Crowe, the new governor, an article be inserted for the speedy administration of justice. *Ibid.*, pp. 359-360; *Cal. St. P. Col.*, 1700, p. 733, *id.*, 1702, pp. 3-4, 37-39, 51-52, 63.

chocolate, spices for the several terms and purposes therein mentioned: and the same was received; and read the first time.

Resolved, that the bill be read a second time to-morrow morning. (*C. J.*, XIII. 598.)

June 7, HC. A bill for continuing several additional duties upon coffee, tea, chocolate, spices for the several terms and purposes therein mentioned; was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House upon the said bill.¹²³ (*Ibid.*, p. 602.)

June 10, HC. Mr. Yates reported from the committee, to whom the petition of the merchants trading to the English plantations in America was referred,¹²⁴ that they had directed him to move the House, that leave may be given to bring in a bill to prevent abuses in transporting servants to his Majesty's plantations in America.

Ordered, that leave be given to bring in a bill to prevent abuses in transporting servants to his Majesty's plantations in America: and that Mr. Yates, Mr. Harley, and Mr. Clayton, do prepare, and bring in, the same. (*Ibid.*, p. 608.)

June 12, HC. The House, according to order, resolved itself again into a committee of the whole House,¹²⁵ to consider further of the bill for continuing several additional duties upon coffee, tea, chocolate, spices for the several terms and purposes therein mentioned. . . .

Mr. Conyers reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made to-morrow morning.

Ordered, that leave be given to offer a clause of appropriation upon the said report. (*Ibid.*, p. 626.)

June 14, HC. Mr. Conyers, according to order, reported, from the committee of the whole House, to whom the bill for continuing several additional duties upon coffee, tea, chocolate, spices for the several terms and purposes therein mentioned; was committed; the amendments, made by the committee, to the said bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, with some amendments to some of them, agreed unto by the House.

A clause of appropriation was offered, according to order; and twice read, with blanks; and the blanks filled up. . . . (*Ibid.*, p. 630.)

¹²³ Postponed to June 12. *C. J.*, XIII. 606, 615.

¹²⁴ Apr. 9, *ante*, p. 390. The bill here ordered was not introduced this session or in the next, when the same matter was again presented.

¹²⁵ The committee had been interrupted earlier in the day by the king's coming to the House of Lords to give assent to the bills so far passed. *C. J.*, XIII. 624.

June 14, HC. The House proceeded upon the report of the bill for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned. . . .

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 631.)

June 16, HC. An ingrossed bill for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned; was read the third time.

An ingrossed clause was offered, as a rider, touching coffee imported by particular persons:

And the question being put, that the clause be brought up;

It passed in the negative. . . .

Resolved, that the bill do pass: and that the title be, An act for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned.

Ordered, that Mr. Conyers do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 633.)

June 16, HC. The House resumed the further consideration of the report from the committee of the whole House, to whom the bill for appropriating three thousand seven hundred pounds a week, out of certain branches of excise, for publick use; and for making a provision for the service of his Majesty's household and family, and other his necessary occasions; was committed. . . .

Another clause was offered, to be added to the bill, touching the four pounds per centum from Barbadoes: ¹²⁶

And the same was twice read:

And the question being put, that the clause be made part of the bill;

It passed in the negative. . . . (*Ibid.*, p. 634.)

June 16, HL. *Hodie 1a vice lecta est billa*, intituled, An act for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned.

Ordered, that the said bill be read the second time on Thursday next. (*L. J.*, XVI. 752.)

June 17, HC. Mr. Secretary Hedges acquainted the House, that his Majesty is like to have occasion to draw some more troops out of Ireland for the plantations; and it is thought to be best for the service, as occasion shall require, and men be drawn off from thence, that they should be recruited here in England, rather than in Scotland or Ireland: that, he thought, there was no occasion to trouble the House with it; but his Majesty had commanded him to communicate this matter to the House; his Majesty being inclined to communicate all matters of this nature to them. (*C. J.*, XIII. 636.)

June 19, HL. *Hodie 2a vice lecta est billa*, intituled, An act for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned.

Ordered, that the said bill be committed to a committee of the whole House; on Saturday next, at eleven a clock. (*L. J.*, XVI. 758.)

¹²⁶ See petition presented May 26 (*ante*, p. 417).

June 23, HL. The House was adjourned during pleasure, and put into a committee upon the bill, intituled, An act for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned.

After some time spent therein, the House was resumed.

And the Lord Lucas reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for . . . continuing several additional duties upon coffee, tea, chocolate, spices . . . for the several terms and purposes therein mentioned.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, the Commons have notice, that the Lords have agreed to the said bill, without any amendments.¹²⁷ (*L. J.*, XVI. 765.)

¹²⁷ *C. J.*, XIII. 640. The royal assent was given the following day when the session was prorogued. Nov. 13, this Parliament was dissolved. *L. J.*, XVI. 769-776.

WILLIAM III.: SIXTH PARLIAMENT.

Session of December 30, 1701-May 25, 1702 (13-14 Gul. III., 1 Ann.).

1701/2.

Jan. 5, HC. A petition of the merchants trading to the English plantations in America was presented to the House, and read; setting forth, that many abuses have been practised by societies of ill men, who, by delusions and promises, betray many of his Majesty's subjects to go as servants to the plantations, that are not qualified to go as such; and others offer themselves to go thither, with design to embroil, and get money out of, the persons concerned; whereby great trouble and charge often happens to merchants, and commanders of ships: and praying, that leave may be given to bring in a bill to prevent all evil practices, in sending persons to the English plantations.¹

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same, with their opinion therein, to the House:

And it is referred to Sir Robert Clayton, Mr. Yates, Mr. Johnson, Sir Hen. Peachy, Lord Ranelagh, Lord Chiene, Sir Hen. Colt, Mr. Burridge, Lord Dysert, Sir Wm. Phippard, Mr. St. Loo, Mr. Dormer, Mr. Owen, Mr. Lowther, Sir Rich. Cocks, Mr. Stonehouse, Mr. Wild, Sir Hen. Pickering, Mr. Lloyd, Mr. Vaughan, Mr. Colchester, Sir John Phillips, Mr. Woodroffe; and all that are merchants of the House, or that serve for sea-port towns: and they are to meet to-morrow in the afternoon at five a clock, in the Speaker's Chamber: and have power to send for persons, papers, and records. (*C. J.*, XIII. 652-653.)²

Jan. 9, HC. The translation of the treaty between the Emperor, his Majesty, and the States General, was read; and is as followeth. . . .³

Ordered, that the consideration of the said treaty be referred to the said committee of the whole House. (*Ibid.*, pp. 660-662.)

¹ A similar petition was presented the previous session (*ante*, pp. 390, 422).

² Jan. 6, a bill was ordered for reviving and continuing an act for appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, etc. (13 and 14 Gul. III. c. 1). Section 6 directed the said commissioners to state what was due to the detachment of the late Colonel Gibson's regiment, left in Newfoundland for the security of that place. (*Statutes*, VII. 733). *C. J.*, XIII. 655, 665, 666, 678, 681, 686; *L. J.*, XVII. 20, 21.

³ The Grand Alliance, signed Sept. 7, 1701, whereby the Spanish possessions in the Netherlands and Italy were to be secured for the House of Austria, while England and Holland were to have any conquests which they might make in the western world. The text of this treaty which was laid before the House, Jan. 6 (*C. J.*, XIII. 654), is printed in full in the *Journals*; and see also F. G. Davenport, *European Treaties*, II., doc. 90; and *MSS. H. of L.*, 1699-1702, pp. 397 *et seq.* May 4, war was declared against France and Spain.

Jan. 13, HC. The list of all the ships and vessels of his Majesty's royal navy, with the condition of such as are in ordinary, according to the present appearance thereof, and where they now are, was read; and is as followeth⁴

Ordered, that the consideration of the said list be referred to the committee of the whole House, who are to consider further of the supply granted to his Majesty. (*C. J.*, XIII. 671-676.)

Jan. 19, HC. Ordered, that the Commissioners for Trade and Plantation do lay before this House an account of their proceedings for the improvement of trade, since their last account laid before this House.⁵ (*Ibid.*, p. 686.)

Jan. 22,⁶ HC. Ordered, that a committee be appointed to consider of the Greenland trade; and of methods for the improvement of it, for the good of England:

And it is referred to Sir Henry Dutton Colt, Mr. Topham, Mr. Weld, Mr. Pitfield, Mr. Moncton, Mr. Clark, Mr. Blathwaite, Mr. Cocks, Sir Tho. Davall, Mr. Carr, Mr. Hysham, Mr. Birch, Mr. Clayton, Mr. Dolben, Lord Ranelagh, Mr. Walpole, Mr. Paice, Mr. St. Loe, Mr. Moore, Sir Cha. Bloys, Lord Chenie, Mr. Carter, Mr. Conyers, Mr. Offley, Mr. Harvey, Mr. Ogle, Mr. Harley, Mr. Fagg, Mr. Gulston, Mr. Owen; and all the merchants of the House; and all that serve for the Cinque-Ports: and they are to meet this afternoon at five a clock, in the Speaker's Chambers. (*Ibid.*, p. 699.)

Jan. 31, HC. Ordered, that the state of the plantations, with relation to trade, and their security, together with the names of the present governors of the plantations, be laid before this House: and that the same be done by the Commissioners for Trade and Plantations.⁷ (*Ibid.*, p. 713.)

Feb. 5, HC. Mr. Blathwait, from the Commissioners of Trade and Plantations, presented to the House an answer to their orders, directing them to lay before this House an account of their proceedings, for the improvement of trade, since their last account laid before this House; and also the state of the plantations, with relation to trade, and their security; together with the names of the present governors of the plantations.

⁴ The list shows the *Bredah*, *Defiance*, *Bristol*, *Colchester*, *Dreadnought*, *Falmouth*, *Greenwich*, *Gloucester*, *Kingston*, *Pendennis*, *Windsor*, *York*, *Experiment*, *Fowey*, *Scarborough*, *Morgate*, *Sea-Horse*, *Carcasse*, *St. Antonio*, *Lewis*, gone to Jamaica, most of them with Vice-Admiral Benbow; the *Advice* coming from New York, the *Jersey* going to New York; the *Ruby* and *Strombello* in the West Indies; the *Southampton* and *Shoreham* coming from Virginia; the *Gosport* attending New England; the *Kinsale* going to, and the *Ludlow* coming from, Barbados; the *Deal Castle* and *Maidstone* at the Leeward Islands; and the *Eagle* in Maryland.

⁵ Presented Feb. 5.

⁶ Jan. 21, the Commissioners of Customs presented accounts of receipts from Dec. 25, 1700, to the same date, 1701, containing numerous items for tobacco, coffee, whale-fins, the four and one-half impost, etc. The same day there was presented a list of the forces upon the establishment of Ireland, which shows three regiments in the West Indies, *viz.*, Colonel Brewer's, Brigadier Selwyn's, and Brigadier Tiffin's, each containing 10 companies of 60 privates, 33 commissioned officers, and 51 non-commissioned officers, a total of 2052 officers and men. *C. J.*, XIII. 688-689.

⁷ Included in the general report of Feb. 5.

And the title thereof was read :

And the said answer and state are as follow ; *viz.*

The said answer :

In obedience to an order of this honourable House, dated the nineteenth of the last month, requiring us to lay before them an account of our proceedings, for the improvement of trade, since our account given in the twelfth of March last ; and in further obedience to an order of the thirty-first of the last month, requiring us to lay before this honourable House the state of the plantations with relation to trade, and their security, together with the names of the present governors of the plantations ; we humbly take leave to represent,

That, in pursuance of his Majesty's commission for promoting the trade of this kingdom, and for inspecting and improving his Majesty's plantations and factories in America, and elsewhere, we have continued to apply ourselves to the care of those plantations, in relation to their government and commerce : and there being, within the allegiance of the crown of England, twenty several colonies, besides Hudson's-Bay and Newfoundland, in which last place there is no governor ; each of which have their distinct governments, councils, and general assemblies, by whom laws, and rules of government, are passed and enacted ; some of which colonies are governed by his Majesty's immediate commission, and others by proprietors and charters ; with these governments, and particularly those under his Majesty's especial direction, we have managed a constant correspondence ; in the course whereof, the said governors have sent us journals of their councils, assemblies, and other publick proceedings, with accounts of all matters whatsoever relating to their respective governments ; all which have been considered by us, and the necessary orders returned thereupon : more particularly, the acts of the several assemblies, transmitted to us, have been examined ; and our reports have thereon been made to his Majesty, in his Privy-Council, for his royal assent, or disallowance : in all which we have, according to our duty, had especial regard to the interest and improvement of the trade of England, as well as to the good of the plantations.

We have prepared the necessary orders, commission, and instructions, for Brigadier Selwyn, whom his Majesty has been pleased to appoint governor of Jamaica :⁸ we have prepared the like dispatches, commission, and instructions, for the Lord Cornbury, whom his Majesty has been pleased to constitute governor of New-York :⁹ and, his Majesty having thought fit to separate the said government of New-York from

⁸ William Selwyn, appointed in July, 1701. *Cal. St. P. Col.*, 1701, pp. 354-361.

⁹ Edward Hyde, lord Cornbury, governor 1701-1708. He came to New York in May, 1702 (*ibid.*, pp. 304, 400 ; *N. Y. Col. Docs.*, IV. 883, 955). In September of that year he sent to the Board of Trade an address from the inhabitants of New York, dated Dec. 30, 1701, to the House of Commons. This was referred to the Earl of Nottingham, and apparently was never presented (*Cal. St. P. Col.*, 1702-1703, pp. 7, 25). This is perhaps the same petition printed, under date of May 12, 1702 (*id.*, 1702, pp. 310-313), and referring to political controversies under Bellomont and after. There is no mention in the *Journals* of either of these petitions.

that of the Massachusetts Bay in New-England, and to appoint Colonel Dudley to be governor of the place last-mentioned, we have likewise prepared his commission for that government.¹⁰

His Majesty having, by one of his principal secretaries of state, directed us to prepare a commission, and instructions, for Mitford Crow esquire to be governor of Barbadoes, we have accordingly prepared his commission: ¹¹ in all which commissions, and other dispatches, we have made such provisions and alterations, as we conceive proper, as well for the defence, as for the trade, of those several places.

Convoys. We have proposed to his Majesty the appointing several convoys necessary to attend and protect the trade of the plantations; and have endeavoured to prevent the abuses complained of in the impresting of seamen by captains, or other officers, of his Majesty's ships of war in those parts, the irregularities of this practice having been found of bad consequence, as well to the trade, as the settlement, of those plantations.

In obedience to his Majesty's commands, referred to us, relating to merchants ships in the West-Indies; which, being commissioned by the governors of his Majesty's plantations, had worn such colours, as ought only to be borne by his Majesty's ships of war; we did humbly offer our opinion, that his Majesty's governors having vice-admiralty jurisdiction, it was, as well for the security of the ships so employed by them, as for the dignity of his Majesty's commission, that such ships, though they should not wear his Majesty's colours, should be distinguished from ordinary merchants ships, and trading vessels; and accordingly such a mark of distinction was agreed on by the Lords Commissioners of the Admiralty, and the necessary advice and directions given thereupon by us to the several governors of his Majesty's plantations.¹²

Suppression of pirates. For the more effectual suppression of pirates, and the better execution of the act of Parliament in that behalf, we, having dispatched his Majesty's commission, for the tryal of such offenders, to the several governors of his Majesty's colonies in America, have received their answers; wherein they assure us of their care and diligence in putting the said act in execution: and his Majesty having been further pleased, upon our report, to direct, that duplicates of the said commissions should be sent to each of the said plantations by George Larkin esquire,¹³ nominated a commissioner for the trying of pirates, that he, being a person well versed in the civil law, and proceedings of the Court of Admiralty, might instruct the other commissioners in the most proper methods, and accordingly settle the forms for the holding of those courts; we prepared instructions for the said Larkin; whereby he was ordered to repair to Newfoundland; from thence to the Massachusetts Bay, New-York, Maryland, Virginia, Leeward Islands, Barba-

¹⁰ His commission and instructions are dated Dec. 11, 1701 (*Cal. St. P. Col.*, 1701, p. 670). He held his office until 1715. Everett Kimball, *Public Life of Joseph Dudley* (1911), pp. 76 *et seq.*

¹¹ Jan. 27, 1701/2. *Cal. St. P. Col.*, 1702, p. 49.

¹² The flag ordered was the jack of the royal navy with a white escutcheon in the centre. *Id.*, 1701, pp. 304, 320, 383.

¹³ *Id.*, 1700, pp. 299, 303; *Acts P. C. Col.*, II. 342.

does, and Jamaica; in each of which plantations, he is directed to deliver the said duplicates of the commissions to the respective governors, and proper officers, of those places; who were to give notice thereof to the propriety and charter-governments comprehended within each of their respective districts.

We have been informed from Mr. Larkin, at St. John's in Newfoundland, that he had settled the forms of tryals for pirates, and left such directions, relating to those tryals, in the hand of the proper officer there, that there could be no error in the proceedings against such pirates as may be taken in those parts:¹⁴ he has done the same at Boston in the Massachusetts colony,¹⁵ one of the charter-governments, where illegal trade and piracy have found so general encouragement, that he doubts, whether the act will be duly complied with in its execution: we shall continue to do what in us lies in this behalf, by giving the most particular instructions hereupon to the governor, whom his Majesty shall send thither.

Act for ministers in Maryland. Upon the petition of several dissenters in Maryland, complaining of an act passed in the assembly of that province, intituled, An act for the service of Almighty God, and establishment of religion, in that province, according to the Church of England; which act being inconsistent with the title, and, according to what the petitioners represented, interfering with the acts of settlement there, and with the Act of Toleration; and that it would prove a hardship upon them, and a discouragement to the plantation-trade, that this act should be confirmed by his Majesty; we did, after hearing the parties, represent that matter to his Majesty; and, by his Majesty's directions, formed a new draught of an act to be offered to the assembly of Maryland, for the establishment of religious worship in that province, according to the Church of England; and for the maintenance of ministers: which draught was sent to Maryland, having been first approved by his Grace the Lord Archbishop, and the Lord Bishop of London.¹⁶

Justice in the plantations. We have likewise taken the best care we could, that his Majesty's subjects in the plantations should be freed from oppression, as to their civil rights; and that equal justice should be administered to them: and herein we beg leave to represent, that, since the report of that subject laid by us before the honourable House of Commons, the 23d of April last, we having received an answer from the

¹⁴ For his report on Newfoundland, see Prowse, *Hist. of Newfoundland*, p. 228; *Cal. St. P. Col.*, 1701, pp. 430-434.

¹⁵ *Ibid.*, pp. 576-577.

¹⁶ Beginning with 1692 the assembly had passed several acts for the establishment, in Maryland, of the Church of England. These contained objectionable clauses and were disallowed by the crown. The act of 1700 (*Arch. Md.*, XXIV. 91-98) provided for the use of the Book of Common Prayer and the administration of the sacraments according to the use of the Church of England, "in every church or other place of public worship". Both Quakers and Catholics objected, and the act again failed to receive the assent of the crown. A new bill was drawn by Dr. Bray, according to instructions given him, and this was passed by the Maryland assembly in the session beginning Mar. 16, 1701/2 (*ibid.*, pp. 265-273). See *Cal. St. P. Col.*, 1700, pp. 507, 508, 518, 524, *id.*, 1701, pp. 26, 40, 41, 42, 62, 78, 82, 87, 121, 157, 211, 279, 300, *id.*, 1702, pp. 134, 149; Mereness, *Md. as a Proprietary Province*, pp. 438-439.

Lord Grey, then governor in chief of Barbados, as likewise from the council of that island, in relation to complaints made of irregularities in the proceedings of the courts of justice there; which answer we likewise communicated to Mr. Hodges, one of the chief complainants, and received a reply thereunto; we reported our opinion to his Majesty upon the whole matter, the 12th of December last:¹⁷ and, upon a new petition from Mr. Isaac Hawkins, another complainant, we made a further report, the 29th of January last:¹⁸ which reports shew the good effects of the directions given, from time to time, in that behalf.

Upon complaints made to us of several hardships done to some of his Majesty's subjects in the island of St. Christopher's, and irregular practices committed by Captain James Norton, lieutenant-governor of that island, we gave directions therein to Colonel Codrington, governor in chief of his Majesty's Leeward Caribbee Islands; who, having inquired into the truth of those complaints, suspended the said Norton from his government, till his Majesty's pleasure therein should be further known; and, upon a representation made by us on that subject, his Majesty hath been pleased to remove the said Norton from that trust.¹⁹

Upon the petition of Mr. Samuel Allen, proprietor of New-Hampshire; complaining, that, in a tryal in the superior court of judicature in that province, upon an action in ejectment, in order to the determining his right to the propriety and quit-rents claimed by him, the judges and juries being tenants, and consequently parties, a verdict had passed against him; upon which, an appeal being desired, his Majesty was pleased, upon our representation, to allow of such appeal.²⁰

Mr. John and Nicolas Hallam having complained, by petition to his Majesty, that the governor and company of Connecticut had refused to admit them to appeal to his Majesty in Council here, from a sentence passed in a court of assistance in that colony; we advised thereupon with his Majesty's Attorney and Solicitor-General, in point of law; and, upon our report, the petitioners obtained an Order in Council to their satisfaction.²¹

In these, and other causes relating to the plantations, we have used our best endeavours, that the persons concerned might have dispatch in their affairs: and, upon all applications made to us from merchants, and others concerned in trade, we have constantly represented their cases to his Majesty, or given them such other assistance, as the nature of their business has required. . . .

Plantations trade. The present state of the plantations, in relation to trade, will best appear to this honourable House, by the accounts we have from governors, and the naval officers, in those parts, and from the abstracts of imports and exports here.

¹⁷ *Cal. St. P. Col.*, 1701, pp. 674-677; *ante*, p. 414, note 104.

¹⁸ *Id.*, 1702, p. 51; and see his petition to the Commons, June 6 (*ante*, p. 421).

¹⁹ Codrington reported that Norton "would condescend to plunder even for a pound of soap, as well as sho buckles". *Id.*, 1701, p. 31.

²⁰ *Ante*, p. 397, note 54.

²¹ *Ante*, p. 399, note 58; *Cal. St. P. Col.*, 1701, p. 297.

We find, that there was exported, from the island of Jamaica, from Christmas 1697. to Michaelmas 1698. the goods following; *viz.*

Sugar.....	{ hogsheads	12,461	Fustick, tons	204	
	{ barrels	521	Stockfish-wood, tons	60	
Indico.....	{ hogsheads	14	Cocoa-nuts.. { hogsheads	57	
	{ barrels	914		{ barrels	222
Pymento....	{ hogsheads	68	Sarsaparilla, bags	83	
	{ barrels	140	Braziletta-wood, tons	37	
Ginger, bags		2,470	Hides	575	
Cotton, bags		913	Elephants teeth	27	
Logwood, tons		699	And some small parcels of other sort of goods.		

From Michaelmas 1698. to the 12th of December 1699.

Sugar.....	{ hogsheads	10,758	Ginger, bags	1,415	
	{ barrels	216	Cotton, bags	1,032	
Indico.....	{ hogsheads	3	Logwood, tons	1,641½	
	{ barrels	914	Stockfish-wood, tons	761	
Pymento....	{ hogsheads	152	Lignum vita, tons	10	
	{ barrels	244	Braziletta-wood, tons	3	
Elephants teeth		329	Ebony, tons	4	
Cocoa-nuts..	{ hogsheads	3	Lime-juice, hogsheads	192	
	{ barrels	10	Tortoise-shell, barrels	10	
Cinnamon, bags		50	Melasses... { hogsheads	115	
				{ barrels	10
			Rum for other plantations, hogs-		
			heads	58	

Each hogshead of sugar contains between 10 and 12 c. weight.

Exported from the island of Barbados from the 25th of March 1699. to the 25th of March 1700.

Brown sugar	{ hogsheads	14,022	Cotton, bags	1,048
	{ barrels	2,749	Ginger, bags	5,830
	{ tierces	1,128	Melasses.... {	hogsheads 2,673 barrels 78
White sugar	{ hogsheads	389		
	{ barrels	143	Lime-juice, tons	10
	{ tierces	119	Aloes, gourds	160
Braziletta-wood, tons		36		

From the 25th March 1700. to 24th June following.

Brown sugar	{ hogsheads	11,462	Cotton, bags	816	
	{ barrels	2,922	Melasses.... {	hogsheads	2,468
	{ tierces	818		{ barrels	242
White sugar	{ hogsheads	61	Rum for the other {	tierces	186
	{ barrels	56		{ hogsheads	924
	{ tierces	20	plantations.... {	barrels	1,130
Ginger.....	{ bags	5,394	Tierces	1,042	
	{ hogsheads	31	Kegs	100	
	{ barrels	168	Some small parcels of wood, aloes, and lime-juice.		

Each hogshead of Barbadoes sugar contains 7 c. weight.

Exported from Virginia, one year with another, from 35 to 40,000 hogsheads of tobacco.

Exported from Maryland, one year with another, from 25 to 30,000 hogsheads of tobacco.

Each hogshead of tobacco usually contains 5 c. weight.

By the abstracts of the custom-house books, it appears, that the importations and exportations from, and to, the several plantations, from Michaelmas 1697. to Michaelmas 1698. were as follows:

	Imported into England from the plantations.	Exported from England to the plantations.
	<i>l.</i>	<i>l.</i>
Barbadoes	308,089	146,849
Nevis	54,748	14,547
Antegoa	52,903	20,736
Montserrat	24,421	3,309
Jamaica	189,566	120,774
Bermuda	2,926	3,970
Carolina	9,265	18,460
Bahama Islands	184	.....
Virginia and Maryland	174,052	310,133
Pensilvania	2,720	10,701
New-York	8,763	25,278
New-England	31,254	93,473
Hudson's Bay	8,031	2,852
	<u>£ 866,922</u>	<u>771,164</u>

From Christmas 1698. to Christmas 1699.

	Imported into England from the plantations.	Exported from England to the plantations.
	<i>l.</i>	<i>l.</i>
Barbadoes	273,947	150,968
Nevis	74,857	16,477
Antegoa	109,440	30,435
Montserrat	23,162	7,159
Jamaica	174,844	136,690
Bermuda	58	1,330
Carolina	12,326	11,399
Bahama Islands .....	.....	302
Virginia and Maryland	198,115	205,074
Pensilvania	4,540	17,062
New-York	16,818	42,781
New-England	26,660	127,277
Hudson's Bay	4,235	944
	<u>919,002</u>	<u>747,898</u>

Newfoundland. Upon the sending a convoy, this year, to Newfoundland, under the command of Captain Graydon, we gave him several heads of inquiry relating to the trade and fishery of those parts; with particular regard to the late act of Parliament for the better regulation thereof: we likewise gave such heads of instructions to Mr. Larkin, before-mentioned, as we conceived proper, with relation to that trade, and have,

from them, received accounts;²² the chief particulars whereof are as follows:

That, in general, the inhabitants have not a due regard to the several regulations for the more advantageous management of the fishery; it being found, that, northward of St. John, as far as Carbonier, and to the southward, as far as Ferryland, the trees are ruined, and the woods destroyed, as much as before the late act:

That the admirals, and masters of ships, do not exactly observe the rules prescribed by act of Parliament:

That, as to the admirals keeping journals and accounts, there are few of them capable of doing it, as the act directs:

That the admirals, before the 20th of August, will hear some complaints; but, after that time, none are made to them; they being generally the greatest offenders themselves:

That the vessels from New-England supply the people of Newfoundland with provisions, *viz.* bread, beef, pork, flour, peas, butter, boards, and great quantities of Virginia tobacco:

That the European commodities, carried to Newfoundland by the masters of English ships, are as follows:

From France, brandy, wine, salt, linen, canvas, paper, hats, and silk:

From Spain, wine, brandy, and iron: and,

From Portugal, wine, brandy, salt, oil, and linen: all which goods are sold, or trucked, with the traders from New-England, for tobacco, sugar, and other of the enumerated commodities, which they carry to foreign parts; so that, at the latter end of the year, the masters are wholly taken up in the management of that illegal trade, which might, in some measure, be prevented, had the officer, or officers, commanding his Majesty's ships, power, like that of a custom-house officer, to seize such goods:

That the New-England traders seldom depart the country, till the men of war are first sailed; and then they carry with them numbers of handicraftsmen, seamen, and fishermen, whom they entice thither, in expectation of great wages:

That the masters of ships are very negligent in bringing their men home; whereby they save the charge of their passage; and those men, so left, are enticed, and carried, to New-England:

That the reason, why the New-England men do fish upon the coast of Newfoundland, besides their illegal trade, is, that they may get those men from thence; they having otherwise a more advantageous fishery on their own coast.

Against which irregularities, we humbly offer, that a further provision be made by some bill, that shall pass this honourable House, relating to trade.

²² *Cal. St. P. Col.*, 1701, pp. 430-434, 528-532. The act here reported to be violated is 10 and 11 Gul. III. c. 14 (*ante*, p. 275).

An account of our trade and fishery, and of the planters, for the years following.

1698.

Number of ships	252	
Burden of the said ships	24,318	tuns.
Number of men belonging to the ships	5,179	
Number of the boats belonging to the ships	532	} 929
Planters boats	397	
Quantity of fish made by ships	114,700	} 265,852
Quantity of fish made by the inhabitants	151,152	
		C. weight.
Number of inhabitants {		} 2,640
men	284	
women	176	
children	286	
servants	1,894	

1699.

Number of fishing ships	166	} 234
Number of sack ships	68	
Number of fishing ships boats	669	
Number of by-boats	115	} 1,241
Number of inhabitants boats	457	
Quantity of fish made this year	372,300	} C. weight.
Number of inhabitants	3,099	

1700.

Number of fishing ships	171	} 220
Number of sack ships	49	
Number of men belonging to the ships	4,000	
Number of fishing ships boats	800	
Number of by-boats	90	} 1,564
Number of inhabitants boats	674	
Quantity of fish made this year	312,000	} C. weight.
Number of inhabitants	3,773	

1701.

Number of fishing ships	75	} 121
Number of sack ships	46	
Burden of the fishing ships	7,991	
Number of fishing ships boats	338	
Number of by-boats	97	} 993
Number of inhabitants boats	558	
Number of by-boatmen, etc.	407	
Quantity of fish made by ships	79,820	} C. weight.
Quantity of fish made by the inhabitants	130,500	
Quantity of fish carried to market	154,370	} C. weight.
Quantity of train made by ships	1,263	
Quantity of train made by the inhabitants	2,533	} 3,796
Number of stages	544	
men	461	} 3,575
women	166	
children	250	
servants	2,698	

We take leave to add a short account of the state of the French trade, and fishery, in those parts.

Their trade in furs, upon Newfoundland, is very inconsiderable; and their fishery is managed all by fishing ships, without making use of sack ships, or by-boats, as the English do.

Their plantations there do not increase; nor are they of any other use than for preserving the boats, craft, and goods, left by the merchants ships for the succeeding voyage.

They fish upon the banks in Placentia Bay, and upon the north-east coast of Newfoundland.

Placentia is the only place of strength they have in the country; which is daily fortified, and well furnished with ammunition; and had new supplies this year; there being three companies of foot, with thirty men in each company.

They have the fish a month sooner in Placentia Bay, make their fish with greater dispatch, and leave the country much sooner, than our people; and, consequently, may supply any market they please before us.

To the Bank they send yearly a considerable number of ships, to fish there; who arrive about the tenth of June, and depart the latter end of August.

State of defence of the plantations. As to the security of his Majesty's plantations, we did, on the 10th and 25th of January 1700/1. humbly lay before his Majesty the state of the several forts, and fortifications in his Majesty's colonies and plantations in America, and of other particulars necessary for the defence of the same; and thereupon, for his Majesty's further information, did, by his Majesty's command, write to the several governors, directing them to dispatch to us, with all diligence, perfect accounts of the state of defence of the plantations under their governments, and of the stores and materials of war there wanting, that we might report to his Majesty what might be required from the several plantations, and what might be fit for his Majesty to do for their defence: and, having thereupon received answers from several governors, and further considered the condition of those parts, with relation to the present conjuncture, we have lately represented the same to his Majesty;²³ and do humbly lay before this honourable House,

That Newfoundland is of great importance to this kingdom, by reason of its trade and fishery: that the place of chief strength in it is St. John's Harbour; which is now fortifying by his Majesty's order; the garison there, by the establishment, consisting of eighty private soldiers, besides officers:

That we have been informed, from Captain Richards, the engineer, that great quantities of materials were wanting from hence, for finishing the forts; and that he had engaged several masters of ships to bring each of them such proportions in ballast, at their next return thither, as conveniently they might; of which we have given notice to the office of his Majesty's Ordnance; and are transacting, with the merchants and owners of ships, what in us lies, for the furtherance of this service:

That, on the continent, his Majesty has a dominion of a very large extent, which, at present, requires a more especial care:

That, as to the most northern parts, Colonel Romer the engineer, sent thither by his Majesty, having surveyed all the coast from St. George's River to Boston, and sent us draughts of the principal bays and harbours, with the condition of several places on that coast, which are thought necessary to be fortified; we thereupon offer the following account; *viz.*

²³ *Cal. St. P. Col.*, 1701, pp. 51-53, *id.*, 1702, pp. 41-48.

That, about five leagues to the westward of St. George's, lies Pemaquid, a spacious river, of great consequence, as covering three other rivers; at the entrance of which river, within two leagues of the main sea, formerly stood a fort, which, in the late war, at the approach of two French men of war, with an hundred soldiers, and five hundred Indians, was surrendered by a garison appointed by the people of New-England, and demolished by the said French and Indians: ²⁴

That, for the security of this port and harbour, and of all that country, and to encourage the people to settle there as formerly, Colonel Romer advises, that a good fort be built in the same place, or thereabouts; and, for its better defence, in case of an attack from the sea, that a battery be raised at the next point of land, and a redoubt, or round tower, on St. John's Island.

That Piscataway is a river of great importance to trade, and the security of that country; being the boundary between the province of Main and New Hampshire; and, on Great Island, so called, at the mouth of this river, is a fort of thirty guns, on New Hampshire side, but incapable of defending the river; ²⁵ the place where the said fort stands being very proper for building a new fort, such as the growing trade of that place and country requires; Colonel Romer has sent a design thereof; and adds, that a strong tower on the point of Fryer's Island, a battery on Wood-Island, and another battery on Clark's Island, would be very necessary:

That the Massachusetts Bay has in it many islands; the chiefest whereof is Castle-Island, not far from Boston; upon which is a fort, for securing the passages and chanel of the bay: ²⁶

That, by a memorial, and two addresses, ²⁷ presented to his Majesty from the council and assembly of that province, they represent their unwillingness to comply with what has been required from them for their own defence, and towards the building of forts in the neighbouring province of New Hampshire, as well as with the quota of three hundred and fifty men, directed to be furnished by them, in case of necessity, for the security of the frontiers of New York; alleging, for excuse, the charge they have been at in building a small fortification at Casco Bay, fifty miles to the eastward; and their being now actually at work in raising fortifications on Castle-Island, in the harbour of Boston; which they esteem to be the place of the greatest consequence; and representing withal, that

²⁴ Fort William Henry, built by Sir Wm. Phips, and destroyed in 1696 by Indians under Castine and three French men-of-war. Fort Frederick was built on its site, in 1729. H. E. Dunnack, *Maine Forts*, pp. 108, 232, 246.

²⁵ Great Island (New Castle), opposite Portsmouth; for a description of this fort, see Wm. H. Fry, *N. H. as a Royal Province*, p. 485.

²⁶ In 1701 the old fort was demolished and a new one, constructed chiefly of brick, erected, bearing this inscription (translation): "In the thirteenth year of the reign of William III., most invincible King of Great Britain, France and Ireland, this fortification (called Castle William, from his name) was undertaken; and was finished in the second year of the reign of the most serene Anne, Queen of Great Britain, France and Ireland, and in the year of our Lord 1703. Built by Col. William Wolfgang Romer, chief military engineer to their Royal Majesties in North America." Nathaniel B. Shurtleff, *Topographical and Historical Description of Boston* (3d ed., 1891), pp. 477-496.

²⁷ Both dated Aug. 9, 1701. *Cal. St. P. Col.*, 1701, pp. 663-668.

the fort at Pimaquid, which they were required to build, would be useless to them, as well as too chargeable; which place, nevertheless, being within their territories, is generally esteemed of great security to those eastern parts, bordering upon the French.

They further humbly signify their desire, that his Majesty would be graciously pleased to assist them with cannon, small-arms, and other stores of war, for the fortifications there; as also, that some ships of war, of greater force than those at present in that station, may be sent, for the better guarding and securing of the coast, in case of war.

To which Colonel Romer adds, that the people there are unfit for any military service, and stand in great need of a good commander, with other subordinate officers, and one hundred and fifty men, for the defence of the new fortification: that they want fifty cannon, of twenty-four pound to eighteen pound ball, two mortars, granadoes, and bullets, in a reasonable proportion, four thousand hand-granadoes, with their fuzes, six hundred fire-arms, four hundred heads for half-pikes, two master-gunners, and one bombardier; the said Colonel Romer informing us, that four French ships were lately arrived in Accadie, with a new governor, and six hundred men; which gave great apprehensions to his Majesty's subjects in the Massachusetts Bay.

Whereupon we have humbly represented, that his Majesty would be pleased to send thither some cannon, and such a quantity of small-arms demanded, as his Majesty should think fit; as also to constitute, and immediately send thither, a governor, and lieutenant-governor, fit and proper to assert his Majesty's authority in those parts; and also well qualified to compose the factions that have divided the inhabitants thereof; and that such governor, or lieutenant-governor, should strictly admonish and require the inhabitants to exert themselves, as well in fortifying those parts, as in providing what may be necessary, in all respects, for their further defence:

That Connecticut, being likewise a frontier-province to the French, and the inhabitants having been negligent of their own security, we humbly offered, that his Majesty would be pleased to direct them to make due preparations against an attack; and to be ready to assist their neighbours of New-York and New-England:

That, in the province of New-York, which is esteemed as the centre of his Majesty's plantations on the continent, there is a fort for the security of that city and harbour, which is in a tolerable good condition: from thence, one hundred and forty miles up Hudson's River, is the town and fort of Albany; and, about twenty miles further, on another river, lies Schenectady; both which are of great consequence towards the security of those parts; and do therefore require an assistance of money to be sent thither, for the necessary repairs, and adding what further works may be wanting.

In the Onondage country, a fort was proposed, by the late Earl of Bellomont, towards the securing the Five Nations of Indians in their allegiance to his Majesty; for which provision is already made, by his Majesty's gift of five hundred pounds, and a contribution of fifteen hundred pounds by the assembly of New-York; though, upon the more pressing

necessity of repairing the forts at Albany and Schenectady, we have given our advice, that some part of the said fifteen hundred pounds should be made use of towards that service:

And whereas this province has been at great charge, for its own defence, during the late war; and is unable to sustain the continuance of such a charge, without some help, his Majesty has been pleased further to assist them, upon several occasions, with stores of war; and lately, upon sending of the Lord Cornbury thither, with a considerable quantity of ammunition: but, as for the contributions which we did propose to his Majesty, as fit to be made by other plantations on that continent, and, in order to which, his Majesty has been pleased to send letters to the respective governors and proprietors, the said plantations have generally declined it, without giving any substantial reason for the same: and, in consideration thereof, we have again humbly offered, that his Majesty's orders be renewed to those plantations, in the most pressing terms, that they do comply with his directions therein, as a matter of common benefit and security.

The provinces of East and West New-Jersey are without any forts, or places of defence; and, being proprieties, where no regular government hath ever been established, the great disorders amongst them have now inclined the proprietors to make application to his Majesty, to accept of a surrender of their pretended right to government, and to put them under a governor appointed by his Majesty's immediate commission: which matter is now transacting, and a form of a surrender returned from his Majesty's Attorney-General, which the said proprietors are to execute.²⁸

The province of Pensilvania is likewise without fortifications, and in no state of defence; nor has any progress been made therein by the proprietor, notwithstanding our instance to him on that subject, by order of the Lords Justices.

His Majesty's provinces of Maryland and Virginia, being large territories, and lying open by great rivers, cannot so well be secured by fortifications; but, in both those provinces, there is a well-regulated militia, and places of rendezvous appointed for any occasion: but we understand, that, at present, they are in want of a supply of small arms and ammunition.

The provinces of North and South Carolina are under proprietors, who do not take due care to put that country into a state of defence, notwithstanding their being so exposed by the neighbourhood of the Spaniards: we therefore have judged it necessary to the publick service, that the said proprietors be quickened, by an immediate order from his Majesty, to perform their duty herein, until some other provision be made.

The Bahama Islands lying before the gulph of Florida, and in the way of all ships that come from the Havanna, and the bay of Mexico, it is of great consequence to his Majesty's service, that they be preserved from an enemy. They belong to proprietors, who ought to take care of them; but we have not been able to dispose those proprietors to such com-

²⁸ See *ante*, p. 399, note 59.

pliance, as was proper for his Majesty's service therein. The governor has lately desired some force to keep the fort there, built for thirty-two guns; which being of immediate concern to the proprietors, it is necessary, that they be obliged to take some speedy care therein.

In the Bermuda Islands there are five little castles; three of which, lying at the entrance of the easiest passages to those islands, are most considerable; where many of the platforms being decayed, the guns unserviceable, and stores and ammunition wanting, a supply of such stores have, upon our representation to his Majesty, been lately sent. Captain Bennet, his Majesty's commander in chief in those islands, has prevailed with the assembly to pass an act for repairing their forts and platforms; and has caused trenches to be cast up in all places where an enemy may most probably attempt to land; so that, we hope, thereby, and the company of foot, which his Majesty has likewise sent thither, that government is now in a good state of defence.

As to Jamaica, we laid before his Majesty, in our report of the 25th of January, 1700/1. the importance of that island, with draughts and plans of the necessary fortifications, and several considerations and proposals relating to the defence of each part thereof; and his Majesty has since been pleased to commissionate Brigadier Selwyn to be chief governor there: upon which occasion, his Majesty sent thither two regiments of foot, with stores and ammunition, for the defence of the said island; and, upon the arrival of Colonel Selwyn there, we expect to hear from him what reinforcement of men, and other materials and requisites of war, will be further wanting for the security of that island, and putting it into a posture of offending an enemy from thence; this island lying, as it were, in the centre of the Spanish West-Indies, and of the French settlements.

Sir William Beeston, his Majesty's late governor of that place, gives us an account, that he had yet no news of his Majesty's squadron, under the command of Vice-Admiral Bembow; but that he was credibly informed, that, about the twentieth of September, twenty-six sail were seen to windward of Martinico, and the people of Jamaica supposed them to be French; which had engaged him to the putting the island into as good a posture of defence as he could: that he has finished several small works near Port-Royal, and caused the bays, where most probably an enemy may land, to be intrenched; he has further, by the resolution of a council of war, fortified the town of St. Jago with a good trench, regular works, and bastions; having five hundred negroes daily on those works, at the expence of the island.

As to the Leeward Islands at St. Christopher's, there is a fort, called Cleverly-Point Fort, where twenty guns are mounted; Brimstone-Hill Fort, where there are twelve guns, and a small platform, where is six guns: there being also thirty pieces of cannon brought out of the French part of this island, during the late war; Colonel Codrington has given directions for the mounting and placing them, with all speed; which being done, he conceives, that there is not occasion, at present, for more artillery there; nor does he specify any further want of materials relating to the defence of that island; but represents the danger of it to be greater

than any other, by reason of the French being possessed of one half, and the fate of it likely to be decided upon the breaking out of a war, as hath formerly happened.

At Antegoa are several little forts and platforms. The governor proposes the sending of twenty long sakers,²⁹ which may serve as well against the Indians as any other enemy; as likewise, the building a small fort at Parham, for which he desires twelve guns. He would also make a new platform in another place, where privateers, in time of war, and unlawful traders, in time of peace, are very busy. He further adds, the great want of small-arms in this island.

At Nevis, Colonel Codrington represents the want of new carriages for the guns; and desires, further, four long sakers, six guns twelve pounders, and six eighteen pounders, with a sufficient quantity of shot for them, and five hundred saker-shot for the guns already in the fort and platforms, together with twenty barrels of cannon-powder; his Majesty having been lately pleased to order six hundred firelocks to be sent to this island, for as many matchlocks returned from thence.

As to Mountserrat, the governor represents the island as able to defend itself; but fears a danger from within, by an insurrection, as happened upon breaking out of the last war; most of the inhabitants of that place being papists.

His Majesty has, in these islands, a regiment of foot, lately sent from Ireland; which wants to be strengthened, being of the lowest complement.

The island of Barbadoes, to the windward, is naturally fortified by rocks; and, for defence of the leeward side, which is most exposed to an enemy, there is now a trench of seven feet broad, and five feet deep, all along the coast; and, behind that, a breast-work, of loose sand, about six feet high, and three feet broad at the top: there are also, on that side, several redoubts; and, at Bridge-Town, two forts, one at the entrance of the road, and the other within; which are the defence of that town and road.

We have received from the Lord Grey, since his arrival, a memorial of what may be necessary for the defence of this island: that, upon a strict survey of the state of the fortifications, made by himself, and commissioners appointed for that purpose, he found, in twenty-nine forts and batteries, three hundred and eight guns, of several sorts; *viz.* two demi-cannon, seventy-five culverins, one hundred and eight demi-culverins, one hundred and one sakers, and twenty-two minions; several of which were unserviceable: that most of the forts and batteries were out of repair; his lordship offering his opinion, upon consultation with the most experienced inhabitants of the island, that there be sent thither, at least one hundred great guns, of twelve feet long, together with a suitable proportion of shot, and all other ordnance-stores needful for them. He further says, that there is a want of small-arms and shot.

Upon which occasion, we humbly take leave to inform this honourable House, that the inhabitants of this island have, at all times, built

²⁹ Small pieces of artillery, larger than the minion, and smaller than the demiculverin. The latter had a bore of $4\frac{1}{2}$ in. and threw a shot weighing $9\frac{1}{2}$ lbs.

their own forts, and kept them in repair at their own expence; and have furnished themselves, for the most part, with small-arms; but, at present, they complain of their being deprived of the revenue of $4\frac{1}{2}$ per centum, raised within that island for their fortifications, and other publick uses; and of their being weakened by the great expence they were at in assisting the Leeward Islands, during the late war; for which they desire a compensation: but, as to such a number of great guns, as may be proper, with a due proportion of shot and ammunition, as by them desired, we humbly conceive, they must be sent from England.

The Company of Merchants trading to Hudson's Bay, having a factory in those parts, represent, that they can no-way be safe, unless some care be taken by his Majesty of their security, which they have particularized to us.³⁰

Which demands, made by the several colonies and plantations before-mentioned, we conceive to be chiefly in view of a present defence: but, in case of a war, we are humbly of opinion, that a greater quantity of stores, and materials of war, will be wanting; and that, in the principal and most considerable of those plantations, it will be necessary, that there be magazines of ordnance-stores, of all kinds, as well for the defence of each respective place, and of the colonies adjoining, as for annoying the enemy; who will be very watchful and active, in this conjuncture, to take advantage against any of his Majesty's plantations, which are of so great importance to the trade and welfare of England.

We are also humbly of opinion, that there be a like provision there of naval stores, and credit for his Majesty's ships of war; which have often lain very long useless in harbour in those parts, by reason of their want of necessaries for refitting; which has been of great prejudice to his Majesty's service; the safety of his Majesty's dominions in America depending chiefly on the naval force to be sent thither at proper seasons, which may secure that trade, and encourage the planters, who will otherwise be apt to desert their settlements.

Propriety-governments. And as it appears by what we have before represented, that the propriety-colonies are in a state wholly defenceless; and that the proprietors and charter-governments have not complied with what has been demanded of them, in reference to trade, or with what may be necessary for the common safety: that they have not conformed themselves to the acts of Parliament, for the regulating trade and navigation; several of the governors, nominated to such propriety-governments, not having applied themselves to his Majesty for his approbation, nor taken the oaths required by the acts of trade: that they have made laws contrary and repugnant to the laws of England, and directly prejudicial to trade: that, by raising and lowering their coin, to their particular advantage, and to the prejudice of other colonies, by exempting their inhabitants from duties and customs, to which the other colonies are subject, by harbouring servants and fugitives, and thereby encouraging the desertion of his Majesty's standing forces in those parts, these

³⁰ The sole settlement, of seven, now remaining to this company was at Albany Fort. *Cal. St. P. Col.*, 1702, pp. 30-31, 46-47.

governments tend greatly to the undermining the trade of the other plantations: that these independent colonies do turn the course of trade, to the promoting and propagating woollen manufactures, proper to England, instead of applying their endeavours to the production of such commodities as are fit to be encouraged in those parts:

To redress which, and divers other great abuses in those colonies, and to introduce such an administration of justice, as might be duly subservient and useful to England, we have formerly humbly offered our opinion thereupon to this honourable House; and, in consideration that the cautions, given them herein, have not met with due compliance, several governors and lieutenant-governors, not qualified according to the late act of Parliament, having been appointed by those proprietors, even since the last session of Parliament, we cannot but continue in the same opinion, that it may be very expedient, for the ends above-mentioned, and particularly for the mutual defence of the plantations, that the charters of the several proprietors and others be, by the legislative power of this kingdom, reassumed to the crown; and that these colonies be put into the same state of dependency as other his Majesty's plantations, without prejudice to any man's property or freehold; which, as it will greatly contribute to the welfare of his Majesty's subjects in those parts, and to the advantage of this kingdom, is hereby humbly recommended to the consideration of this honourable House; together with the several other particulars before enumerated; as most effectually tending to the security of his Majesty's plantations, and the encouragement of trade.

Names of the present governors of his Majesty's plantations in America.

New-Hampshire	Wm. Partridge esquire, lieutenant-governor.
Massachusetts's Bay . . .	Joseph Dudley esquire, governor.
New-York	Lord Cornbury, governor.
Maryland	Nath. Blakiston esquire, governor.
Virginia	Fran. Nicholson esquire, governor.
Jamaica	Brigadier Wm. Selwyn, governor.
Leeward Islands	Christ. Codrington esquire, governor.
Barbados	Mitford Crow esquire, governor.
Bermuda	Benj. Bennet esquire, lieutenant-governor.

There are several governors and lieutenant-governors within the propriety and charter-governments, whose names are not herein inserted, because they are appointed, and changed at will, by the proprietors and corporations, without his Majesty's knowlege, although required by the late act for preventing frauds, and regulating abuses, in the plantation-trade.

All which is most humbly submitted.

STAMFORD,	PH. MEADOWES,
WM. BLATHWAIT,	JO. POLLEXFEN,
MAT. PRIOR.	

Ordered, that the said answer do lie upon the table, to be perused by the members of the House. (*C. J.*, XIII. 720-729.)

Feb. 5, HL. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Commissioners of Trade do lay before this House, with all convenient speed, an account, in writing, of what they have done in relation to the plantation-trade, since their last representation laid before this House.³¹ (*L. J.*, XVII. 27.)

Feb. 12, HL. Also the Inspector General of the Customs, attending at the door, was called in; and, at the bar, delivered a book, intituled, "The Inspector General's Account of Imports and Exports".³² (*Ibid.*, p. 34.)

Feb. 16, HL. The Earl of Stamford delivered a paper book, intituled, "An Answer of the Commissioners for Trade and Plantations to an Order of the Right Honourable the Lords Spiritual and Temporal in Parliament assembled, of the 5th February, 1701/2".³³ (*Ibid.*, p. 36.)

Feb. 19, HC. A petition of William Freeman esquire . . .³⁴ was presented to the House, and read; setting forth, that the petitioners were owners, and possessed, of several plantations in the Caribbee Islands, in America; which they quietly enjoyed, when Christopher Codrington esquire, the present chief governor of the said islands, arrived there; but, by several of his illegal proceedings and misgovernments, annexed to the petition, the petitioners are not only dispossessed of great part of their estates; but the rest also are thereby made precarious, and in danger to be taken from them; and that most of the said misgovernments have, by reference from the king, lain, for some time, before the Commissioners for Trade and Plantations, without redress: and praying the consideration of the House, and relief therein.

And Mr. Freeman was called in to the bar, to own the said petition.

And he owned the same accordingly; and declared, that he would make good the allegations thereof.

And then withdrew.

³¹ The reply, presented Feb. 16, contains the substance of the reports made to the Commons, Mar. 29, 1701, and Feb. 5, 1701/2 (see *ante*). But the report to the Lords includes detailed accounts of exports from Jamaica, from Dec. 25, 1699, to Sept. 29, 1700; further accounts from Barbados, and three accounts of exports from New York, June 8, 1698-Sept. 25, 1700. The latter show for that period: sugar, 275 hhds., 120 bbls., 14 tierces; indigo, 8 hhds., 49 bbls.; ginger, 14 bags, 9 bbls.; cocoanuts, 51 bbls.; pimento, 2 hhds., 4 bbls.; elephants' teeth, 58; Brazil wood, 94 tons; sassafras, 1500 lbs.; logwood, 518 tons; fustic, 69 tons; lignum vitae, 4200 lbs.; negrera wood, 2½ tons; cochineal, 3 bags; castorum, 3 kegs; elk skins, 215; hides, 107; bear skins, 37; peltries, 45 hhds., 10 tierces, 106 cases, 481 bundles; oil, 18 tons, 282 bbls.; turpentine, 2 hhds., 184 bbls.; sturgeon, 12 kegs; cotton, 3 bags; molasses, 80 hhds.; tobacco, 78 hhds. *MSS. H. of L.*, 1699-1702, pp. 436-463.

³² An abstract is printed, *ibid.*, pp. 430-436. There are summaries, from Michaelmas, 1696, to Christmas, 1699, for Greenland, Newfoundland, and the English plantations.

³³ See note 31, *ante*. Nov. 23, 1702, the next session, this report was referred to a select committee, along with a similar report presented Nov. 20. *L. J.*, XVII. 171.

³⁴ The omission is in the *Journals*. The charges brought by Freeman and others against Codrington, in connection with suits concerning some plantations in Nevis and St. Kitts, had been argued before the Council of Trade, and judgment suspended. Appeal was now made to the Commons, but no redress given by that House (*Cal. St. P. Col.*, 1701, p. 687, *id.*, 1702, pp. 9-11, 23, 256-260). Feb. 21, 23, 24, the committee here appointed to consider the petition was increased. *C. J.*, XIII. 752, 757, 758.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter thereof; and report the same to the House:

And it is referred to Mr. Harcourt, Sir Edw. Seymour, Mr. Bierly, Sir Walter Yonge, Sir Rich. Cocks, Sir Jos. Tredenham, Mr. Bromley, Lord Chenie, Mr. Clayton, Mr. Scobell, Sir Rich. Onslow, Mr. Bertie, Sir John Philips, Mr. Clark, Sir Sam. Barnardiston, Mr. Blathwaite, Mr. Farrer, Mr. Crow, Mr. Vaughan, Mr. Rob. Bertie, Sir John Williams, Colonel Granville, Mr. Rowney, Mr. R. Gulston, Mr. Mansell, Mr. Harley, Mr. Colchester, Sir Fra. Massam, Mr. Wilde, Mr. Jennens, Mr. Shackerly, Sir Tho. Hanmore, Mr. Freeman, Sir Jacob Banks, Mr. Herne, Sir Fra. Blake, Mr. Vernon, Mr. Brewer, Mr. Brereton, Sir Hen. Ashurst, Mr. Walpole, Mr. Coke, Mr. Moor, Mr. Owen, Mr. Bulkley, Mr. Hayes, Mr. Harvey, Mr. Walpoole, Mr. Lowther, Mr. Manley, Mr. Ja. Bertie, Mr. King, Mr. Gwyn, Mr. Papillon, Mr. St. John, Mr. Wheeler, Mr. Comyns, Mr. Edw. Gulston, Mr. Mansell, Sir Cha. Barrington, Mr. Harpur, Mr. Thompson; and all the merchants; and all the gentlemen of the long robe: and they are to meet this afternoon at five a clock, in the Speaker's Chambers: and have power to send for persons, papers, and records.

Ordered, that the Commissioners of Trade and Plantations do lay before this House what complaints have been made against Colonel Codrington; and what they have done thereupon. (*C. J.*, XIII. 749-750.)

Feb. 23, 1701. Mr. Blathwaite, from the Commissioners of Trade and Plantations, presented to the House their answer to the order of the 19th instant; relating to Colonel Codrington, with several papers concerning him, and schedules of them:

The titles whereof were read.

And the schedules are as follow; *viz.*

A list of papers relating to Mr. Freeman's case:

No. 1. A copy of an Order of Council, of the 18th of December 1701. referring to the Commissioners for Trade and Plantations the petition of Mr. William Freeman, relating to the manor of Godwyn, in St. Christophers:⁸⁵

2. Copy of Mr. Freeman's patent for the manor of Godwin, in the island of St. Christophers, dated 8 August 1699:

3. Copies of the affidavits of John Goodwyn, and Wm. Mead,⁸⁶ relating to John Pogson's being in the possession of the manor of Godwyn for Mr. Freeman; and of his being turned out thereof; also of the warrant for the commitment of the said Pogson; with his petition to the general for relief:

4. Copy of a letter from Mr. James Taylor⁸⁷ to Mr. Pogson, about the two justices of the peace, who dispossessed the said Pogson of the manor of Godwin; with a deposition of Mr. Mead; relating thereunto:

⁸⁵ *Acts P. C. Col.*, II. 380.

⁸⁶ Mead, who likewise had difficulty with Codrington, was characterized by the latter as "the most detestable villain liveing". *Cal. St. P. Col.*, 1701, p. 327.

⁸⁷ Deputy secretary of St. Kitts. This letter is given, *id.*, 1702, p. 10.

5. Copy of a memorial from Mr. Hutcheson,³⁸ in answer to Mr. Freeman's petition, relating to the manor of Godwin, in St. Christophers:

6. Copy of a second memorial from Mr. Hutcheson, in answer to Mr. Freeman's complaint, relating to the manor of Godwin, in St. Christophers:

7. Extract of the minutes of the Commissioners for Trade and Plantations, of the 22d and 30th of December 1701; and of the 6th of January, and 5th February, 1701/2; relating to Mr. Freeman's case:³⁹

8. Copy of a representation of the Commissioners for Trade and Plantations, upon Mr. Freeman's case, dated the 5th February 1701/2.⁴⁰

A list of papers relating to Mr. Mead and Mr. Shipman's case:

No. 1. Copy of an Order of Council, of the 18th of December 1701. referring, to the Commissioners for Trade and Plantations, the petition of Mr. William Mead, relating to two plantations, called Harvey's plantations, in Nevis:⁴¹

2. Copy of an Order of Council, of the 18th of December 1701. referring, to the Commissioners for Trade and Plantations, the petition of Mr. William Shipman, etc. relating to two plantations, called Harvey's plantations, in Nevis:⁴²

3. Copy of a memorial from Mr. Hutcheson, in answer to the petitions of Mr. Mead and Mr. Shipman, etc. relating to two plantations in Nevis:⁴³

4. Copy of a letter from Mr. Hutcheson, relating to the petitions of Mr. Mead and Mr. Shipman, etc.:

5. Copy of proceedings of the governor in chief, and council, of Antegoa, on the 6th of September 1701. relating to Mr. Mead's appeal:

6. Extract of the minutes of the Commissioners for Trade and Plantations, of the 23th and 31 December 1701/2. and of the 7th and 13th of January, and 12 and 13th Feb. 1701/2; relating to the case of Mr. Mead, Mr. Shipman, etc.:⁴⁴

7. Copy of a representation of the Commissioners for Trade and Plantations, upon the case of Mr. Mead, Mr. Shipman, etc. February 5th, 1701/2.

A list of the papers relating to Captain Norton's petition:

No. 1. Copy of an Order of Council of the 18th December 1701. referring, to the Commissioners for Trade and Plantations, the petition of Captain Norton, late lieutenant-governor of St. Christophers, complaining of Colonel Codrington's proceedings against him:⁴⁵

2. Extract of the minutes of the Commissioners for Trade and Plantations, of the 23th and 31th of December 1701. relating to Captain Norton's petition.⁴⁶

³⁸ Archibald Hutcheson. *Ibid.*, p. 9, *id.*, 1701, p. 718.

³⁹ *Ibid.*, pp. 694, 722, *id.*, 1702, pp. 11, 69.

⁴⁰ *Ibid.*, pp. 64-67.

⁴¹ Nov. 27, in *Acts P. C. Col.*, II. 380.

⁴² *Ibid.*

⁴³ *Cal. St. P. Col.*, 1701, p. 724.

⁴⁴ *Ibid.*, p. 695, *id.*, 1702, pp. 12, 20, 75, 78.

⁴⁵ *Acts P. C. Col.*, II. 357.

⁴⁶ *Cal. St. P. Col.*, 1701, pp. 695, 724.

The answer, and papers, are bound up with the other papers of this session.

Ordered, that the consideration of the said answer, and papers, be referred to the committee, to whom the petition of Wm. Freeman esquire is referred. (*C. J.*, XIII. 755-756.)

Feb. 25, HC. A petition of Hugh Totterdell, of the island of Jamaica, gentleman, in behalf of himself, and others the traders and planters of the said island, was presented to the House, and read; setting forth, that the assembly of the said island, which represents the body of the commons there, and consists of thirty-five persons, of which the petitioner was one, being convened in June last, did enter into the consideration of some hardships put upon them in point of trade, and misapplication of the publick money of the said island, by the then governor, Sir William Beeston, and council of that island, endeavouring to redress those grievances; but, instead of encouragement, they met with threats and hard words from the governor: and the assembly finding no likelihood of redress, they passed a vote to apply themselves to this House for relief; which the governor so resented, that he immediately prorogued them; and, soon after, dissolved them by proclamation; setting forth that vote as one of the reasons for the dissolution: that, upon the said prorogation, the speaker, and majority of the assembly, drew up an address to this House; setting forth part of their hardships, by violation of the laws, the discouragement of their trade, and misapplication of the publick money: which address they ordered the petitioner to present to the House; a copy whereof is annexed to the petition: and praying the House to take the grievances of the said island into consideration, and relieve them therein.⁴⁷

Ordered, that the consideration of the said petition be referred to the committee, to whom the petition of William Freeman esquire is referred: and that they do examine the matter thereof; and report the fact to the House. (*Ibid.*, p. 764.)

Feb. 25, HC. A petition of Thomas Hodges esquire was presented to the House, and read; setting forth, that the petitioner, and many others, being very much oppressed by the mal-administration of justice in Barbadoes, under the government of the Lord Grey, did, in December 1700. complain to his Majesty in Council thereof; who referred the examination thereof to the Commissioners of Trade; with direction, that they

⁴⁷ The quarrel with the governor and council arose over the revenue act, which was ordered to be made perpetual. The assembly was not inclined to lose control of supplies, and not only refused to pass the measure but asked for an account of the bounty money granted at the time of the earthquake. When they were told that this was the sole business of the governor and council, the assembly attempted to force an accounting by resolving, in regard to the bill for quartering soldiers, to give the officers money instead of quarters, this money to be charged against the earthquake fund. As a result of the quarrel, now shifted to the quartering bill, Beeston put the island under martial law and, to prevent their completing an address to the House of Commons, prorogued the assembly. Totterdale, "an Irish lawyer", wrote the governor, in order "to get himself a vogue amongst the common people, was the great Botefeau in the Assembly"; and when he went to England without permission, upon Beeston's proposal that he be imprisoned, the law officers were ordered to be consulted on the question. The Commons took no action during the session. *Cal. St. P. Col.*, 1701, pp. 47-49, 330, 338, 339, 350-352, 378-382, 424-428, 618.

should report to his Majesty what they conceived fit to be done therein: that the petitioner hath attended the said commissioners for about a twelvemonth; hath proved the truth of his complaint, and shewn the mal-administration of justice; and hoped they would have made such a report to his Majesty, as the petitioner might have had some effectual relief thereby; but they have lately made such a report, as covers the truth from his Majesty, and has effectually hindered the petitioner from any relief: that the petitioner is ready to prove the several articles annexed to the petition, which do contain several heads of the said complaint: and praying the consideration of the House in the premises.

And the said Mr. Hodges was called in, to the bar, to own the said petition: and he owned the same accordingly; and declared, he was ready to make good the same.

Ordered, that the consideration of the said petition be referred to a committee: and that they do examine the matter; and report the fact to the House:

And it is referred to Sir Rowland Gwyn, Mr. St. John, Sir Henry Colt, Mr. Paget, Sir Rich. Onslow, Mr. Richards, Sir Henry Lyddall, Mr. Bridges, Mr. Clayton, Mr. Gulston, Sir Robert Cotton, Mr. Hayes, Sir Godfrey Copley, Mr. Colchester, Mr. Monckton, Mr. Hoblyn, Lord Pawlet, Mr. Roberts, Mr. Dormer, Mr. Jeffries, Mr. Aylmer, Mr. Freeman, Mr. Carter, Lord Mordant, Sir Jos. Tredenham, Mr. Dyot, Sir Fran. Windham, Sir Cha. Hedges, Sir Wm. Hustler, Sir. Fra. Massam, Sir Jacob Banks, Mr. Fitch, Sir Jos. Jekyll, Mr. Anderton, Colonel Wharton, Mr. Carr, Mr. Hysham, Mr. Cox, Mr. Byerley, Mr. Herne, Lord Spencer, Sir Francis Blake, Mr. Goreing, Major Halsey, Mr. Nevill, Mr. Moor, Mr. Thompson, Mr. Arthington, Mr. Topham, Sir Tho. Littleton, Sir Edw. Turner; and all that are merchants: and they are to meet this afternoon at five a clock, in the Speaker's Chambers: and have power to send for persons, papers, and records.⁴⁸ (*Ibid.*)

Feb. 26, HC. Ordered, that the Commissioners of Trade and Plantations do lay before this House an account of their proceedings, with relation to the complaints made to them of the courts of justice in the plantations in the West-Indies.⁴⁹ (*Ibid.*, p. 766.)

Feb. 28, HC. Mr. Freeman reported from the committee, to whom the petition of William Freeman esquire is referred, that they had directed him to move, that the House will please to give directions, whether affidavits, taken in the plantations, can be read before the said committee, or not:

And a motion being made, and the question being put, that the said committee have liberty to read the depositions of Mr. Cole, solicitor-general in the Leeward Islands;⁵⁰

The House divided.

The yeas go forth.

⁴⁸ *Ante*, p. 414, note 104. Feb. 26, Mar. 6, and Mar. 13, this committee ordered the Council of Trade and Plantations to lay before them all papers relating to the administration of justice in the West Indies, the state of the defense there, copies of instructions to colonial governors, etc. *Id.*, 1702, pp. 106, 116, 131-132.

⁴⁹ Presented Mar. 17.

⁵⁰ John Cole, whose evidence is given, *id.*, 1701, pp. 31-32.

Tellers for the yeas, Mr. Bertie, Mr. Morley: 122.

Tellers for the noes, Sir Hen. Peachy, Mr. Raleigh: 142.

So it passed in the negative. (*C. J.*, XIII. 769.)

Mar. 4, HC. Ordered, that a committee be appointed to receive proposals for the better encouragement of privateers in the West-Indies; and report the same to the House:

And it is referred to Mr. Smith, Sir Joseph Tredenham, Mr. Moor, Sir Wm. Scawen, Sir Jos. Jekill, Sir Rich. Cocks, Sir Tho. Davall, Mr. Crow, Sir Rich. Onslow, Mr. St. Loe, Sir Hen. Colt, Mr. Liddall, Sir Rowl. Gwyn, Sir Roger Mostyn, Sir Alex. Rigby, Sir Fran. Massam, Sir Wm. Drake, Mr. Yates, Mr. Bromley, Lord Powlet, Mr. Conyers, Mr. Aylmer, Mr. Cox, Colonel Churchill, Sir John Holland, Mr. Hobson, Mr. Sargison, Mr. Pitts, Mr. St. John, Mr. Gulston, Mr. Snell, Mr. Byerly, Mr. Clark, Sir Chr. Musgrave, Sir Geo. Rook, Mr. Sheppard, Mr. Scobell, Sir Walter Yonge, Mr. Hysham, Mr. Foley, Mr. Pelham, Sir Wm. Daynes, Mr. Bridges, Sir John Cotton, Mr. Gwyn; or any five of them: and they are to meet this afternoon at five a clock, in the Speaker's Chambers; and to sit *de die in diem*: and have power to send for persons, papers, and records.⁵¹ (*Ibid.*, p. 776.)

Mar. 6, HC. The act, made in the fourth and fifth year of his Majesty's reign, for the regaining, encouraging, and settling, the Greenland trade, being read;⁵²

Ordered, that leave be given to bring in a bill for enlarging and encouraging the trade to Greenland: and that Sir Thomas Davall, Mr. Conyers, Mr. Clayton, and Mr. Scobell, do prepare, and bring in, the said bill.

Ordered, that they have power, if they think fit, to provide for the repeal of the said act. (*Ibid.*, p. 779.)

Mar. 9, HL. *Hodie 1a vice lecta est billa*, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster the twenty-second of November in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government.⁵³ (*L. J.*, XVII. 64.)

Mar. 10, HL. *Hodie 2a vice lecta est billa*, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at

⁵¹ May 23, an address was ordered on the subject.

⁵² *C. 17* (*ante*, p. 69). The new act granted to all subjects the same privileges of whale-fishing as were enjoyed by the Greenland Company. 1 Ann. c. 10 (*Statutes*, VIII. 50; c. 16 in other editions).

Mar. 8, the king died from the results of a fall from his horse in the previous month. Anne, then in her thirty-seventh year, was proclaimed in the usual form. James, *Letters of the Reign of William III.*, III. 184, 189-191; *C. J.*, XIII. 782; *L. J.*, XVII. 63.

⁵³ By 12 and 13 Gul. III. c. 2 (*Statutes*, VII. 636), succession to the crown was conferred upon the House of Hanover. There were further provisions that English judges should continue in office during good behavior, and that no person holding an office of profit or receiving a pension could serve as a member of the House of Commons. The present act, 1 Ann. c. 2 (*id.*, VIII. 5), continued for six months after the death of the ruler, all civil and military offices, justices, etc., unless superseded, and continued likewise all depending writs and proceedings. By section 6, the provisions of this act were extended to Ireland, to the islands of Jersey and Guernsey, and to all the American dominions. (*MSS. H. of L.*, 1702-1704, pp. 1-2.) For the effect of these acts upon colonial affairs, see Channing, *Hist. U. S.*, II. 221 *et seq.*

Westminster the twenty-second of November in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee on the said bill.

After some time, the House was resumed.

And the Lord Herbert reported, that the committee had gone through the said bill, with some amendments.

Which were read twice, and agreed to; and the bill ordered to be engrossed, with the said amendments. (*Ibid.*, p. 66.)

Mar. 10, HC. Mr. Chancellor of the Exchequer,⁵⁴ according to order, reported, from the committee of the whole House, to whom it was referred to consider further of ways and means for raising the supply granted to her Majesty, the resolutions of the said committee, which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

2. Resolved, that it is the opinion of this committee, that the subsidy of tonage and poundage, and other sums of money payable upon merchandize exported and imported, which were first granted by an act in the twelfth year of King Charles the Second, and, by an act of the eighth year of his late Majesty King William the Third, are to have continuance until the first day of August one thousand seven hundred and six, be further continued until the first day of August one thousand seven hundred and ten.⁵⁵

4. Resolved, that it is the opinion of this committee, that the continued impositions on tobacco, which were also first granted in the first year of the reign of the late King James the Second, and have continuance until the first day of August one thousand seven hundred and six, be further continued until the first day of August one thousand seven hundred and ten.⁵⁶

5. Resolved, that it is the opinion of this committee, that the impositions upon East-India goods, and other merchandizes, which were granted by an act in the second year of the reign of his late Majesty King William the Third, and, by an act in the eighth year of his said late Majesty's reign, have continuance until the first day of August one thousand seven hundred and six, be further continued until the first day of August one thousand seven hundred and ten.⁵⁷

6. Resolved, that it is the opinion of this committee, that the additional impositions upon several merchandizes, which were first granted by an act of the fourth year of the reign of his late Majesty King William the Third, and, by the act of the eighth year of his said late Majesty's

⁵⁴ Henry Boyle, M. P. for Cambridge University.

⁵⁵ See vol. I. of this series, p. 263; *ante*, p. 196.

⁵⁶ C. 4 (*ibid.*, p. 426).

⁵⁷ *Ante*, pp. 37, 149.

reign, have continuance until the first day of August one thousand seven hundred and six, be further continued until the first day of August one thousand seven hundred and ten.⁵⁸

II. Resolved, that it is the opinion of this committee, that the duties upon whale-fins, and Scotch linen, imposed by an act made in the ninth year of the reign of his late Majesty King William the Third, and which were granted for the term of eight years, be continued until the first day of August one thousand seven hundred and ten.⁵⁹

The first seven of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

The residue of the said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that a bill, or bills, be brought in upon the said resolutions, agreed unto by the House: and that Mr. Chancellor of the Exchequer, and Mr. Lowndes, do prepare, and bring in, the said bill, or bills.⁶⁰ (*C. J.*, XIII. 786.)

Mar. 11, HL. *Hodie 3a vice lecta est billa*, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster the twenty-second of November in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government.

A rider was offered, to be added to the bill.

Which, being read thrice, was agreed to.

Then, the question was put, whether this bill, with the rider, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Richard Holford and Mr. Pitt:

To carry down the said bill, and desire their concurrence thereunto. (*L. J.*, XVII. 68.)

Mar. 12, HC. An ingrossed bill, from the Lords, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster the twenty-second of November, in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government, was read the first time.

Resolved, that the bill be read a second time to-morrow morning. (*C. J.*, XIII. 789-790.)

May 13, HC. An ingrossed bill, from the Lords, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster, the twenty-second of November, in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government, was, according to order, read a second time.

⁵⁸ *Ante*, pp. 73, 182.

⁵⁹ *Ante*, pp. 248-249.

⁶⁰ The act, based upon these resolutions, became 1 Ann. c. 7 (*Statutes*, VIII. 40, c. 13 in other editions).

Resolved, that the bill be committed to Lord Coningsby, Sir Henry Pickering, Mr. Etterick, Sir John Cotton, Colonel Bierly, Mr. Methwin, Sir Hen. Burnaby, Mr. Dolben, Mr. Harley, Mr. Foley, Lord Powlet, Sir John Bland, Mr. Palmer, Mr. Stonehouse, Mr. Lowndes, Sir John Parsons, Sir William Drake, Mr. Bromley, Marquis Hartington, Sir John Mordant, Mr. Vernon, Mr. Rowney, Mr. Lambton, Mr. Compton, Lord Ranelagh, Mr. Barrell, Mr. Foley, Sir Hen. Colt, Mr. Cox, Lord Spencer, Mr. Lloyd, Sir Tho. Powys, Mr. Stanhope, Mr. Manley, Mr. Goring, Sir Alex. Rigby; and all the gentlemen of the long robe: and they are to meet this afternoon at five a clock, in the Speaker's Chambers.

Ordered, that it be an instruction to the said committee, that they do take care to make the said bill extend to Ireland, and the plantations. (*Ibid.*, pp. 793-794.)

Mar. 16, HC. A petition of the agents, planters, and merchants, concerned in, and trading to, the island of Barbadoes, was presented to the House, and read; setting forth, that there is a duty of four and an half per centum on the commodities of the said island, exported thence; which was granted by an act of the said island in September 1663. for the reparation and building of fortifications, and defraying all other publick charges incident to the government there; which has been collected by officers appointed by the Commissioners of the Customs in England, and applied to other uses; whereby the fortifications are run very much out of repair, and other publick necessary works are unbuilt, and their magazine unprovided; so that, in case of a war, the said island, and all other the sugar-plantations to windward of Jamaica, would be in danger of being lost, if an enemy should attack it; which would be a vast loss to England: and praying, that the said duty of four and an half per centum may be applied to the uses for which it was given, in order to the defence and security of the said island.

Ordered, that the said petition do lie upon the table, to be considered by the House.⁶¹ (*Ibid.*, p. 800.)

Mar. 17, HC. Mr. Blathwaite, from the Commissioners of Trade and Plantations, presented to the House their answer to an order of the twenty-sixth of February last; whereby they were to lay before the House an account of their proceedings, with relation to the complaints made to them of the courts of justice in the plantations in the West-Indies.

And the title thereof was read.

And the account is bound up with the other papers of this session.

Ordered, that the said answer do lie upon the table, to be perused by the members of the House.⁶² (*Ibid.*, p. 802.)

Mar. 17, HC. Ordered, that the report from the committee, to whom the consideration of the petition of the merchants trading to the English

⁶¹ Mar. 15, it was reported in the Commons that the duty of 4½ per cent. in specie, from Barbados and the Leeward Islands, for the year, Dec. 25, 1700-Dec. 25, 1701, amounted to £19,025 4s. 10d. (C. J., XIII. 796). Resolutions for an address on the subject of this petition were passed Mar. 24.

⁶² The account is not here given, but on the subject see the report of Feb. 5, *ante*, and MSS. H. of L., 1699-1702, pp. 440-443.

plantations in America was referred, be made to-morrow morning.⁶³ (C. J., XIII. 802.)

Mar. 17, HC. Mr. Etterick reported from the committee, to whom the ingrossed bill, from the Lords, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster, the twenty-second of November, in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government, was committed, that the committee had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

At the end of the bill add clause (A); *viz.*

"And be it further Enacted, That all and singular the Provisions, Clauses, Matters, and Things whatsoever, contained in this Act, and in that Part of the Act, made in the Seventh Year of the Reign of the late King, which is recited in this present Act, shall extend, and be construed to extend, to the Kingdom of Ireland, to the Islands of Jersey and Guernsey, and to all her Majesty's Dominions in America, and elsewhere."

And the said amendments, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Another clause being offered to the House, to be added to the bill, for acts of Parliament, made this session, in her Majesty's reign, to commence at a certain time;⁶⁴

The same was twice read, with blanks, and the blanks filled up; and, upon the question put thereupon, agreed unto by the House. (*Ibid.*, pp. 802-803.)

Mar. 19, HC. Ordered, that the committee appointed to receive proposals for the better encouragement of privateers in the West-Indies do sit upon Saturday morning next. (*Ibid.*, p. 811.)

Mar. 20, HC. An ingrossed bill from the Lords, intituled, An act for explaining a clause in an act made at the Parliament begun and holden at Westminster the twenty-second of November, in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government, was read the third time.

Resolved, that the bill, with the amendments, do pass.

Ordered, that Mr. Etterick do carry the bill to the Lords, and acquaint them, that this House hath agreed to the same, with some amendments: to which they desire their Lordships concurrence. (*Ibid.*, p. 813.)

Mar. 20, HC. Ordered, that the consideration of the petition of the agents, planters, and merchants, concerned in, and trading to, the island of Barbadoes, which was ordered to lie upon the table, to be considered, be referred to the said committee.⁶⁵

⁶³ See under Jan. 5, *ante*. After several postponements, Mar. 18, 19, 20, the report was made on Mar. 21. C. J., XIII. 810, 812, 813-814.

⁶⁴ Mar. 8, 1701/2, unless otherwise specified.

⁶⁵ The committee of the whole House to consider the bill for the better support of her Majesty's household, and of the honor and dignity of the crown (1 Ann. c. 1),

Ordered, that it be an instruction to the said committee, that they do consider of the best and most effectual ways for the preservation of the island of Barbadoes, and the Leeward Islands.

A petition of Thomas Lord Viscount Dupplin, in the kingdom of Scotland, was presented to the House, and read; setting forth, that William late Earl of Kennoul, the present earl's father, was seised in fee of the Barbadoes and Caribbee Islands; and, upon the surrender of his title therein to the crown, King Charles the Second granted him 600 *l.* per annum for five years, and one thousand pound per annum, after that term, to him and his heirs, payable out of the duty of 4½ per centum arising within the said island; to which the petitioner is now entitled, for a valuable consideration: and praying that the petitioner may not be divested of his right to the said 1000 *l.* per annum; but that the same may be secured to him, as the House shall think fit.

Ordered, that the consideration of the said petition be referred to the said committee of the whole House.

Ordered, that it be an instruction to the said committee, that they do take care to make provision in the said bill, that the revenues of the crown, in the said bill mentioned, may not be alienated. (*Ibid.*)

Mar. 21, HC. Mr. Clayton, according to order, reported, from the committee, to whom the petition of the merchants trading to the English plantations in America was referred, the matter, as it appeared, together with the resolutions of the committee thereupon; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same were read; and are as follow; *viz.*

That they had examined the matter thereof; and find the same, upon information of several witnesses, to be as followeth:

Mr. Perry,⁶⁶ merchant, said, that there are many ill persons about town, who make it their business to be troublesome to merchants, and masters of vessels, tradeing to the plantations, upon pretence of procuring them servants and workmen to be transported thither: and although such servants and workmen have sworn before a justice of peace, that they are not married, nor any other person's servant; and have bound themselves at a certain office, for that purpose, called the plantation-office; yet, afterwards, the merchants, and masters of vessels, have been often prosecuted as persons that have trepanned, or enticed away, such servants from their former masters, or from their wives and families: so that though it is absolutely necessary, that the plantations should be supplied with servants and workmen; yet there are so many tricks, and troublesome suits, that merchants cannot safely agree for them, nor the masters of vessels carry them to the plantations:

That there are persons who pretend to come out of the country for employment, and bind themselves at the said office as servants; and, when

which was today read the second time. The 4½ per cent. duty in Barbados and the Leeward Islands was excepted from the several duties enumerated in the act for the queen's support (*Statutes*, VIII. 3). The petition here referred was presented Mar. 16.

⁶⁶ Micajah Perry, prominent colonial merchant of London.

cloathed, and gotten on board, some of their own gang go and search for them, and afterwards sue the merchant, or master of the vessel, for kidnappers, when they themselves are the persons, merely to extort money from them, by way of composition:

That, last year, a woman came to Mr. Perry, and complained, that her husband was kidnapped away in a ship of his; and therefore he must keep her, and her four children; and she brought several of her parishioners, and made a very great clamour; threatening to sue Mr. Perry; upon which he wrote away immediately to the master of the ship, which, by accident, was wind-bound at Cowes, to put the woman's husband on shore; and, as good luck was, the master received the letter, and discharged the man; but Mr. Perry lost all his passage-money, and what was laid out in cloaths; notwithstanding such married man had sworn before a justice of peace, that he was a single man, and had fairly bound himself as a servant at the said office:

That, about two years since, one Daniel Watts was bound in a voyage to Virginia, to carry servants thither: that the servants were all examined, and produced their indentures at Gravesend, according to custom; after which, a man came on board to search for his servant, whom he found, whose name was Moor; but had bound himself by the false name of Marchant: that, after Watts returned from his voyage, Moor's master arrested Watts, on a *capias in withernam*,⁶⁷ and committed prisoner to Newgate; and the said master demanded a hundred guineas for the loss of his servant: that Watts offered him sixty guineas; which not being accepted, the said master prosecuted Watts in the King's-Bench; where seven or eight motions were had; but the plaintiff delayed his declaration, thinking to bring Watts to his terms, rather than lose a voyage he was then bound in; but Watts petitioned the then Lord Keeper, from whom the said *capias* issued, who granted a *supersedeas* ⁶⁸ thereon; yet he lost his intended voyage, was imprisoned, and spent a great deal of money; though he was only employed, as master of the vessel, to carry the servants as passengers; and knew not the said servant, nor that he had a master; and was to have but six pounds for his passage:

That, about three terms since, a trial was had at Guildhall against a merchant, who had contracted with a wheelwright, that seemed to be four or five-and-twenty years of age; who bound himself at the said office, and swore himself to be free from servitude: the action was brought by a wheelwright of St. Albans, who declared, that the young fellow was his servant; and judgment was given against the defendant for 40*l.*; and believes it cost him near 40*l.* more:

That, about a fortnight since, a young fellow bound himself, at the said office, by a false name; and the person, to whom he was bound, is now committed a prisoner in Newgate; and the merchant, for whose service he was bound, is threatened to be sued; and great composition is demanded.

⁶⁷ When anything taken by distress was decided to have been wrongfully taken and was carried out of the country or concealed, this writ was issued, directing the sheriff to take other goods of the distrainor, equal in value to the goods the latter had taken.

⁶⁸ A stay of proceedings.

Mr. Braddle, merchant, said, that Watts is not the only person that has suffered by imprisonment; but one Willmore, a merchant of considerable substance, was utterly ruined by imprisonment, and prosecution on a *capias in withernam*.

That they had many other instances of the hardships they labour under, which they had many merchants ready to prove; but the committee did not think it necessary to examine any further.

And that, upon the whole matter, the committee came to the resolutions following; *viz.*

Resolved, that it is the opinion of this committee, that the petitioners have fully proved the allegations of their petition.

Resolved, that it is the opinion of this committee, that the House be moved for leave to bring in a bill, according to the prayer of the said petition.

The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

Ordered, that leave be given to bring in a bill to prevent vexatious suits for taking on board, and transporting servants to the English plantations in America: and that Mr. Clayton do prepare, and bring in, the said bill.⁶⁹ (*C. J.*, XIII. 814.)

Mar. 23, HC. The House, according to order, resolved itself into a committee of the whole House, upon the bill for the better support of her Majesty's household, and of the honour and dignity of the crown. . . .

Colonel Granville also reported from the said committee, that they had considered the instructions in relation to Barbadoes and the Leeward-Islands; and had directed him to make several motions, when the House will please to receive the same.

Ordered, that the said motions be made to-morrow morning. (*Ibid.*, p. 817.)

Mar. 24, HC. Colonel Granville also reported from the said committee,⁷⁰ that they had directed him to move the House, that an humble address may be made to her Majesty, that the duty, or impost, of four and an half per centum, arising in Barbadoes, and the Leeward Islands, subject to an annuity payable to the heirs and assigns of the Earl of Kinoules, be applied for the repairing and erecting such fortifications, and other publick uses, for the safety of the said islands, as her Majesty shall direct: and that an annual account, how the said duties shall have been expended, may be laid before the House of Commons.

Ordered, that an humble address be presented to her Majesty, that the duty, or impost, of four and an half per centum, arising in Barbadoes, and the Leeward Islands, subject to an annuity payable to the heirs and assigns of the Earl of Kinoules, be applied for the repairing and erecting such fortifications, and other publick uses, for the safety of the said islands, as her Majesty shall direct; and that an annual account, how the

⁶⁹ The bill was presented, but did not pass.

⁷⁰ To whom the bill for the better support of her Majesty's household and the honor and dignity of the crown, was committed.

said duties shall have been expended, may be laid before the House of Commons.

Ordered, that the said address be presented to her Majesty by such members of this House as are of her Majesty's most honourable Privy-Council.

Colonel Granville also reported from the said committee, that they had directed him to move the House, that an humble address may be made to her Majesty, that she will please to appoint such persons to be governors of the Barbadoes and Leeward Islands, as are well qualified for that great trust.

Ordered, that an humble address be presented to her Majesty, that she will please to appoint such persons to be governors of the Barbadoes and Leeward Islands, as are well qualified for that great trust.

Ordered, that the said address be presented to her Majesty by such members of this House as are of her Majesty's most honourable Privy-Council.

And then the House adjourned till to-morrow morning, nine a clock. (*C. J.*, XIII. 818.)

Mar. 24, HL. The amendments made by the Commons to the bill, intituled, An act for explaining a clause in an act, made at the Parliament begun and holden at Westminster the twenty-second of November, in the seventh year of the reign of our Sovereign Lord King William the Third, intituled, An act for the better security of his Majesty's person and government, were read thrice, and agreed to, with two amendments made to the Commons amendments.

Which, being read thrice, were agreed to by the House.

Then, a message was sent to the House of Commons, by Sir Richard Holford and Mr. Gery:

To return the said bill; and to acquaint them, that the Lords have agreed to their amendments, with some amendments, to which they desire their concurrence.⁷¹ (*L. J.*, XVII. 80-81.)

1702.

Mar. 26, HC. Sir Thomas Davall, according to order, presented to the House a bill for the enlarging and encouraging the Greenland trade: and the same was received. (*C. J.*, XIII. 820.)

Mar. 28, HC. A bill for enlarging and encouraging the Greenland trade was read the first time.

Resolved, that the bill be read a second time. (*Ibid.*, p. 825.)

Mar. 30, HC. Mr. Secretary Vernon reported to the House, that their address having been presented to her Majesty, relating to Barbadoes, and the Leeward-Islands; as to the former part thereof, that her Majesty would please, that the duty, or impost, of four and an half per centum may be applied for the repairing and erecting fortifications, and other publick uses, for the safety of the said islands; and that an annual account, how the said duties shall have been expended, may be laid before

⁷¹ *Mar. 28*, the Commons agreed to the amendments, and the royal assent was given, *Mar. 30*. *C. J.*, XIII. 825, 829; *L. J.*, XVII. 87.

this House; her Majesty was pleased to say, that she would give directions accordingly: and that, as to the latter part, that she would please to appoint such persons to be governors of the Barbadoes and Leeward-Islands, as are well qualified for that great trust, her Majesty was pleased to say, she will take care therein. (*Ibid.*, p. 828.)

Mar. 30, HC. Mr. Clayton, according to order, presented to the House a bill for preventing vexatious suits in the taking on board and transporting of servants to the English plantations in America: and the same was received. (*Ibid.*)

Apr. 10, HC. A bill for enlarging and encouraging the Greenland trade was read a second time.

Resolved, that the bill be committed to Mr. Lowndes, Sir Tho. Cook, Sir Tho. Davall, Mr. Heysham, Sir Hen. Dutton Colt, Mr. Herne, Mr. Parker, Mr. Barrell, Sir William Ashurst, Sir Sam. Barnardiston, Sir Rich. Cocks, Mr. Phil. Boteler, Mr. Colchester, Mr. Scobell, Mr. Clerke, Sir Alex. Rigby, Mr. Pace, Mr. Herne, Mr. Johnson, Sir Fran. Massam, Sir Matth. Jenison, Mr. Fagg, Mr. Ogle, Sir John Mordaunt, Mr. Heathcote, Mr. Brewer, Mr. Ward; and all that are merchants; and that serve for sea-port towns: and they are to meet this afternoon at five a clock, in the Speaker's Chamber: and have power to send for persons, papers, and records. (*Ibid.*, p. 840.)

Apr. 13, HC. Ordered, that it be an instruction to the committee of the whole House, to whom the bill for granting to her Majesty divers subsidies, and a land-tax, for the purposes therein mentioned,⁷² is committed, that they have power to receive a clause, that such regiments as are in the West-Indies, and are paid out of Ireland, may have their cloathing from thence. . . . (*Ibid.*, pp. 842-843.)

Apr. 13, HC. A bill for making [good] the deficiencies, and preserving the publick credit, was read the first time.⁷³

Resolved, that the bill be read a second time upon Wednesday morning next. (*Ibid.*, p. 843.)

Apr. 15, HC. Sir Thomas Davall reported from the committee, to whom the bill for enlarging and encouraging the Greenland trade was committed, that they had made several amendments to the bill; which they had directed him to report to the House; which he read in his place; and afterwards delivered in at the clerk's table: where the same [were] once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 845.)

Apr. 15, HC. A bill for making good the deficiencies, and preserving the publick credit, was, according to order, read a second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House will, upon Monday morning next, resolve itself into a committee of the whole House, upon the said bill. (*Ibid.*)

⁷² 1 Ann. c. 6 (*Statutes*, VIII. 38).

⁷³ See the resolutions of Mar. 10, *ante*.

Apr. 20, HC. The order of the day, for the House to resolve itself into a committee of the whole House, upon the bill for making good the deficiencies; and preserving the publick credit; being read

Then the House resolved itself into the said committee.

Mr. Conyers reported from the said committee, that they had gone through the bill, and made several amendments thereunto; which they had directed him to report, when the House will please to receive the same.

Ordered, that the said report be made upon Friday morning next. (*C. J.*, XIII. 857.)

Apr. 24, HC. Mr. Conyers, according to order, reported, from the committee of the whole House, to whom the bill for making good the deficiencies; and preserving the publick credit; was committed; the amendments, made by the said committee, to the said bill; which he read in his place; and afterwards delivered in at the clerk's table: where the same were once read throughout; and then a second time, one by one; and, upon the question severally put thereupon, agreed unto by the House.

Ordered, that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 859.)

Apr. 29, HC. An ingrossed bill for the enlarging and encouraging the Greenland trade was read the third time.

An amendment being proposed to be made

The same was, upon the question put thereupon, agreed unto by the House; and the bill amended accordingly at the table.

Resolved, that the bill do pass: and that the title be, An act for the enlarging and encouraging the Greenland trade.

Ordered, that Sir Thomas Davall do carry the bill to the Lords, and desire their concurrence thereunto. (*Ibid.*, p. 863.)

Apr. 30, HL. *Hodie 1a vice lecta est billa*, intituled, An act for the enlarging and encouraging the Greenland trade. (*L. J.*, XVII. 110.)

May 4, HL. *Hodie 2a vice lecta est billa*, intituled, An act for the enlarging and encouraging the Greenland trade.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee upon the said bill.

After some time, the House was resumed.

And the Earl of Stamford reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, intituled, An act for the enlarging and encouraging the Greenland trade.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, that the Lords have agreed to the said bill, without any amendment.⁷⁴ (*Ibid.*, pp. 112-113.)

May 4, HC. An ingrossed bill for making good several deficiencies; and preserving the publick credit; was read the third time

⁷⁴ *C. J.*, XIII. 871. The royal assent was given, May 6 (*ibid.*, p. 875; *L. J.*, XVII. 117).

Resolved, that the bill do pass: and that the title be, An act for making good deficiencies; and for preserving the publick credit.

Ordered, that Mr. Conyers do carry the bill to the Lords, and desire their concurrence thereunto. (*C. J.*, XIII. 871.)⁷⁵

May 5, HC. Sir Rowland Gwynn, according to order, reported, from the committee, to whom the petition of Thomas Hodges esquire was referred, the matter, as it appeared to them; which he read in his place; and afterwards delivered in at the clerk's table.

Ordered, that the said report be taken into consideration to-morrow morning, the first business.⁷⁶ (*Ibid.*, p. 873.)

May 5, HL. *Hodie 1a vice lecta est billa*, intituled, An act for making good deficiencies, and for preserving the public credit. (*L. J.*, XVII. 115.)

May 5, HL. *Hodie 2a vice lecta est billa*, intituled, An act for making good deficiencies, and for preserving the public credit.

Ordered, that the said bill be committed to a committee of the whole House, presently.

Then the House was adjourned during pleasure, and put into a committee on the said bill.

After some time spent therein, the House was resumed.

And the Lord Viscount Longueville reported, that the committee had gone through the said bill; and think it fit to pass, without any amendment.

Ordered, that the said bill be read the third time to-morrow, the first business. (*Ibid.*)

May 6, HL. *Hodie 3a vice lecta est billa*, intituled, An act for making good deficiencies, and for preserving the public credit.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Ordered, that the Commons have notice, that the Lords have agreed to the said bill, without any amendment.⁷⁷ (*Ibid.*, p. 116.)

May 6, HC. The House, according to order, proceeded to take into consideration the report from the committee, to whom the petition of Thomas Hodges esquire was referred.⁷⁸

And the said report was read; and is as followeth; *viz.*

That the petitioner, in order to prove his allegations in his petition, and the articles thereunto annexed, containing divers accusations against the Lord Grey, late governor of Barbadoes, and the Lords Commissioners for Trade and Plantations, delivered in to the committee a list, a great number of memorials, answers, replies, and other papers; the which he desired might be laid before the committee, by the said Commissioners of Trade, for him to have recourse to the same, in making good his charge: which was ordered by the committee; and the said papers were

⁷⁵ This day war was declared against France and Spain over the question of the succession to the Spanish throne. The queen sent to both Houses a copy of the convention with her allies, of Apr. 18, in reply to which addresses of support were ordered. *Ibid.*, p. 113; *C. J.*, XIII. 869-870.

⁷⁶ See under Feb. 25, *ante*.

⁷⁷ The royal assent was received this same day. *Ibid.*, p. 875; *L. J.*, XVII. 117.

⁷⁸ *Ante*, p. 447.

laid before them accordingly; and Mr. Hodges was, at his request, permitted to have copies of such of those papers he thought fit to ask for, and perusal of the rest.

In the preface of the said articles, the petitioner alleges, that, in the island of Barbadoes, the custom and usage is, that the court of chancery should be held monthly, and continue to sit as many successive days as the business before them requires: and the said court should be called or summoned by the governor's order; and that, without his presence and assistance therein, no court should be held: and the court of errors in that island is, in like manner, to be called and held by the said governor and council:

That the late governor, the Lord Grey, landed in that island on or about the 26th day of July;⁷⁹ and, during the time of his government, there were several hundred causes depending in the said court of chancery, as appears to the petitioner by the information in writing of Mr. John Knapton, delivered, by him, to the Lords Commissioners of Trade, on the 3d of January 1700;⁸⁰ and by a letter from Edward Chilton esquire, attorney-general of the said island:

To prove which, the petitioner referred to his late Majesty's instructions to the Lord Gray, as governor; whereby it appeared to be part of the instructions, for the governor not to displace any of the judges, justices, or other officers, without cause to be signified to his Majesty, and to the Commissioners for Trade and Plantations:

That the petitioner also referred to his late Majesty's commission to the Lord Gray, as governor; whereby it appeared, the governor had full power given him to suspend any of the members of the said council from sitting, voting, or assisting therein, if he should find just cause; and also to suspend any of the said deputy-governors of the said island from the execution of their commands, and to appoint others in their stead, till his Majesty's pleasure should be known:

As also, the said governor had power, with the advice and consent of the council, to erect, constitute, and establish, such and so many courts of judicature, and publick justice, within the respective islands, as he should think fit, for the hearing and determining of all causes, as well criminal as civil, according to law and equity; and for awarding of execution thereupon:

That the petitioner referred likewise to the answer of the Commissioners of Trade, concerning courts of justice, pursuant to an order of the House of Commons, of the 2d of April 1701;⁸¹ whereby it appeared, that, to the end a strict and continual care might be taken in all matters relating to the administration of justice in that island, the governor was required to send to the said commissioners a copy of the register and minutes of the court of chancery, and of the minutes and business done as a court of errors, since his arrival in that island; as also, a particular

⁷⁹ 1698.

⁸⁰ *Cal. St. P. Col.*, 1701, p. 17. He wrote that during the eight or nine months he was there, no chancery court was held, although there were between 300 and 400 cases pending.

⁸¹ *Ante*, pp. 392 *et seq.*

account of all causes, injunctions, and decrees, made in the chancery; and a particular account of all the days of that court, and all other courts sitting in that island; and that all courts should be held, for the dispatch of business, as occasion should require; and that such account should be returned by the register, or other proper officer, upon oath, as by the paper marked (A) will more fully appear; which paper is as follows; viz.⁸²

That the petitioner, in further proof, likewise referred himself to the reply of the council of Barbadoes to his complaint; whereby he charges, that the court of chancery had been adjourned for many months together, and little business done for three years last past.

In answer to which, by the same reply, it is said, that the Lord Gray arrived at Barbadoes 26th July 1698. being then a very sickly time: however, he held a court of chancery on the 10th of August following; it being customary to hold that court once a month; but, after that, by reason of the sickness of the country, with which the governor was infected, there was no court held till January following; when two courts were held, and considerable business done; and, after which time, the said court was held monthly:

That, in April, May, June, and July, 1700. the sickness so raged in the said town, where that court usually sits, that the houses were near all shut up, and few or none of the inhabitants escaped it, many dying; so that neither clients nor lawyers were willing to attend their business, for fear of it: for which cause, and that the business might not be impeded, there was a house appointed in the country; and several courts, within that time, ordered to be held; but the lawyers being most of them sick, they could not attend till August; upon the 7th of which month the said court was held, and continued so to be monthly, and sometimes three times in one month, until all the business thereof was fully heard, which was on the 20th of March 1700. when there remained not one cause, plea or demurrer, petition or motion, undetermined, then ripe, and set down for hearing; as will more fully appear by the paper marked (B); which follows; viz.⁸³

The petitioner, in his first article, alleges, that the said governor held his first court of chancery on the 10th of August 1698. and held it not again till the 25th of January 1698. which is five months and fifteen days; for which neglect he had no just excuse.

To prove which, he referred to the minutes of the orders taken in chancery since the governor's arrival to the 11th of April 1701; whereby it appeared, that the court of chancery did not sit from the 10th of August till the 25th January following; though, in other years, it appeared that court did sit in the months of September, October, and November:

And that, in that year, it appeared the Lord Grey held several councils in those months that the court of chancery did not sit.

⁸² Here follow the instructions to Grey as reported to the Commons, Apr. 24, 1701 (*ante*, p. 393).

⁸³ Then are printed copies of the first and fifteenth articles of the reply of the council of Barbados to Hodges's complaint, the substance of which has just been given. See also *Cal. St. P. Col.*, 1701, pp. 280-281.

To which first article it was answered for the Lord Grey, that the reason why the court of chancery did not sit from the said 10th of August 1698. till the 25th January following, was from the sickness of the governor, sickness of the place, unwillingness of the lawyers and the people to attend: that it was vacation-time for other courts; and that no person complained of any injury done thereby.

To prove which;

*Major Garth*⁸⁴ was examined: who said, that he was in Barbadoes when the Lord Grey arrived there; and that, soon after his lordship's arrival, he was seized with the sickness of the country; insomuch that they had great apprehensions of his life; and, upon his recovery from the sickness, he broke out with boyls, which seemed to be little less contagious than the plague: that he did not see the Lord Grey at any publick entertainment, but the Cockneys feast,⁸⁵ which was about the 20th of August, from the 10th of August 1698. to the 25 January following; and that he did not hear of any complaints, that the chancery did not sit during that time; and that though the Lord Grey was sick, yet the island was, as to health, much as it used to be at other times.

*Mr. Gibbs*⁸⁶ said, that he was in Barbadoes when the Lord Grey arrived there; and that his lordship, soon after his arrival, was taken with the sickness, and broke out in boyls; whereby his life was in danger: that he saw him three or four times between August and January 1698; once at the president's house, once at Colonel Scott's, and twice at his lordship's own house; and that he did not hear of any complaint, that the chancery did not sit at that time.

*Mr. Eyles*⁸⁷ said, that he is one of the agents for Barbadoes; and was ordered by the assembly there, they hearing that complaints were made to his Majesty against the Lord Grey, and, as he believes, by Mr. Hodges, to justify their proceedings, and his lordship's government; and that they were intirely satisfied with his lordship's conduct therein:

That, being acquainted with several persons who came from Barbadoes, he inquired of them concerning his lordship's behaviour in his government; and they all gave him a very good character; and said, there was not then any complaint in the island for want of administration of justice; and produced an address to his Majesty from the council, and general assembly; which was read; and is as followeth; *viz.* . . .⁸⁸

Mr. Turner, solicitor-general in the Barbadoes,⁸⁹ said, that he went thither some time before the Lord Grey, and staid there till September last; and that, during his stay there, according to his observation, his lordship did administer justice according to the known laws of the island; and that his lordship was sick for some time; and there were some

⁸⁴ Maj. Thomas Garth.

⁸⁵ An account of this feast, marked by music and feasting, is given in John Strype's edition of John Stow's *Survey of the Cities of London and Westminster* (London, 1720), vol. II., app. I., p. 101.

⁸⁶ John Gibbs, one of the council.

⁸⁷ Francis Eyles.

⁸⁸ The address which follows in the *Journals* testifies to Grey's "wisdom, moderation, and due administration of the laws".

⁸⁹ Richard Turner.

persons, who said, it was hard that the courts were not held; but no complaint was lodged.

Mr. Brookes said, that, in February was twelve-months, he went to Barbadoes, and carried with him an account of the complaint, made by *Mr. Hodges* to the House of Commons, against the Lord Grey: that he is acquainted with the most considerable men in the island; and they did blame *Mr. Hodges*; and said, he had no reason to make any complaint: that they did generally declare they were satisfied with the Lord Grey's government; and that he did not hear of any complaint there against his lordship, for his administration of justice; but, as an instance of the dispatch of business there, said, that he having a bill in chancery brought against him, to procure an injunction to stay proceedings at law; which was granted; as also a *ne exeat insulam*,⁹⁰ till he should answer; and, upon his the said *Brookes*' putting in his answer, he obtained a dismissal of the plaintiff's bill in two days time from the granting the injunction.

Dr. Parsons said, that the Lord Grey, soon after he came to the island, broke out with sores; which, he thought, were pestilential: that he had, at one time, about thirty upon him; and that, as one set dried up, another did rise, till towards January; and that his lordship was reduced to great weakness, and not fit for business: that he often persuaded the Lord Grey not to go to the town, for fear the heat there should increase his distemper; but his lordship did sometimes reply, with some passion, that he came there to do his duty, and no danger should fright him from it: that he never heard the complaint against his lordship, for not holding the court of chancery; and believes, there was not any one person dissatisfied in the island with his government; and that, when his lordship was so weak as not to be able to go to the town, the council sometimes met at his house, for dispatch of business: that his lordship fell ill about five weeks after he came to the island; and that, between the time of his arrival and January following, he used to go three or four times a week to the president's house, which was about a mile from his own, to take the air, when he was able to do it; and that, when he came first to the island, he lodged at the president's house.

Mr. David Davis said, that, about five weeks after the Lord Grey came to the island, he broke out with boyls, which continued upon him, from time to time, till towards the middle of January, and was not fit for business during that time; for that he could not bear any croud or noise; and was often confined to his house a week or more at a time, by reason of his indisposition.

The petitioner, in his second article, alleges, that, from the 26 January 1698. to the 5th of July 1699. which is five months and nine days, the chancery sat but two days; so that, in the first year of his government, there were eleven months, wanting six days, in which the court of chancery sat but four days.

To prove which; the petitioner referred to the minutes of the orders taken in the chancery; whereby it appeared, that the court of chancery sat but two days, from the 26 of January to the 5 July following.

⁹⁰ A writ forbidding departure from the island.

To which second article it was answered for the Lord Grey, that though the petitioner had picked out the two days between which there was the longest recess of that court's sitting; yet, by the same minutes of chancery, to which it was referred, it appeared that court was held six times in the five months the petitioner mentions but twice, by his making the days exclusive; for that the said court was held 25, 26 January, 22d March, 19th of April, 17 May, and the said 5th July 1699.

The petitioner, in his third article, alleges, that, in the second year of his government, the court of chancery sat to hear causes, and make final decrees, but one day in eleven months; and that is, from the 7th September 1699. to the 7 of August 1700; and there is no just excuse for more than two months of his time.

To prove which, he referred to the list of the business heard and determined in chancery, attested by the register of that court, upon oath, and so certified to the Commissioners of Trade; whereby it appeared that court sat but one day, from the 7th of September 1699. to the 7th of August following.

And the petitioner alleged, the sickness was over the 9th July; for that, upon that day, it appeared, by the minutes of council, that a thanksgiving was ordered to be upon the 25th of that month, for their deliverance from the sickness:

And the court of common-pleas sat to do business the 24th, 25th, and 26th, of April, 1700; as appeared by the proceedings of that court, to which the petitioner referred.

To which third article it was answered, for the Lord Grey, that it would, and did, appear by the register's certificate, that tho' the chancery sat but one day upon causes after September, till the sickness in April, yet the court sat, in most of those months, upon pleas, demurrers, petitions, exceptions, special reports, and motions.

And it appeared, that, in the months of December and February, the stated day in December happened to be a holy-day: and, upon the stated day in February, the governor was sick.

And, to prove the sickness began in April, and continued till August, witnesses were examined; *viz.*

*Mr. Beddingfeild:*⁹¹ Who said, that, for the months of April, May, June, and July, he several times passed through the town, and met but very few people in the streets, by reason of the sickness; and most of the shops were shut up those months.

Mr. Chamberlaine said, that he did not live in the town; but had business to come thither very often during the said months of April, May, June, and July, and saw scarce any country gentlemen in the town, and met few in the streets, but corps carrying to be buried, and doctors and apothecaries; and most of the shops were shut up, by reason of the contagion.

The petitioner, in the fourth article, alleges, that, from the time of the said Lord Grey's entering upon the government of that island, in July 1698. to the time when the petitioner complained to his Majesty, which

⁹¹ Edmund Bedingfield, deputy secretary of Barbados.

was in December 1700. the said court of chancery sat very seldom, and did very little business on many of the days on which they sat: on the 11th of September 1699. it sat, and heard but two common motions, though so much business was depending in that court: the next day it sat, was on the 4th of October 1699; and there were but two motions, or demurrers, heard that day; and then the court adjourned for a month; and, on several other days, there were but a small number of motions, and many of them have been put off to other courts; and sometimes more have been put off than have been heard, though the court did commonly adjourn for a month, and often for a longer time; and many other great and unreasonable delays were put upon suitors by that court.

To prove which, he referred to the minutes in chancery; whereby it appeared,

That, on the 11th of September 99. the court heard one petition, and one motion:

The 4th of October, two demurrers:

The 25th of January 1698. five motions:

The 4th September 1700. seven motions; and two put off:

The 6th November 1700. seven motions; whereof five were to refer exceptions:

The 5th July 1699. out of thirty-two demurrers, decrees, petitions, and motions, that came on that day, fourteen were put off:

And that, out of twenty-one causes and motions, which came on 12 July 1699. ten were put off:

And that a motion was made for costs upon the 10th August 98; and the same hung in the court till the 22th March following, before the same was determined.

*Colonel Cleland*⁹² was examined on the behalf of the petitioner: Who said, that there hath not been a free current course of justice in the island of Barbadoes since Colonel Kendall's government:⁹³

That he hath heard great complaints there, of the delay of justice; and also from several in England; but knows not the cause:

That the courts were held constantly in Colonel Kendall's time; and a judge was turned out, upon complaint to the governor, for neglecting his duty in holding of courts: that he does not know of any complaint made to the Lord Grey, of delay of justice in any of the courts: that the delay of holding courts was not greater in the Lord Grey's time than in the preceding governments:

That, in the case of Bayly against Bayly, there was a writ of error depending in the said island about a year before the Lord Grey came to the government there; and many of the negroes were possessed by the creditors, by several decrees obtained before his coming thither; so that, had the writ of error been tried, the said negroes could not have been restored, unless it had been before those decrees were obtained:

⁹² William Cleland.

⁹³ James Kendall, governor 1689-1693.

That the said writ of error was not determined while he staid there; which was till April 1700; though such writs were usually determined in three months time:

That he never did hear of any complaints against the Lord Grey, in relation to injunctions either unduly granted, or unjustly kept on foot.

To which fourth article it was answered, for the Lord Grey, that the petitioner hath cunningly picked out of the register's book only those days on which the least business came on; and it appears there were but two days, wherein the court did not clear all the business that came before them.

The petitioner, in the fifth article, alleged, that a great number of injunctions have been granted in that island, during his government, to stop the proceedings in the common-law courts; and many, if not most of them, have been granted by the said governor the same days bills were filed, and out of court, at times when the court did not sit; and many of those injunctions have been continued for several years; by which the subjects were debarred of the benefit of the common law, and forced to attend a court of chancery, which sat very seldom, and did very little business when they sat.

To prove which, he referred to the account of injunctions granted and dissolved in the court of chancery; whereby it appeared that, in March, April, May, and July, five injunctions were granted out of court:

And that, in 1697. and 1699. there were several injunctions granted the same day the bill was filed:

That an injunction, in the case of Cosyns and Battyn, was granted the 27 March 1699. and was not dissolved till the 2d of October 1700:

That, in the case of Sadlier and Allyn, an injunction was granted 6th of August 1698. and not yet dissolved; and that Mr. Holdyp had four injunctions at a time granted against him.

To which fifth article it was answered, for the Lord Grey, by Mr. Beddingfeild, who was his secretary in the court of chancery, that it is, and was, the usual custom of the court to have orders made for injunctions, upon petitions, as well out of court as in court; the orders, made out of court for granting such injunctions, being always with a proviso, that such injunction be obtained according to the rules and practice of the court.

The petitioner, in the sixth article, alleges, that the court of errors in Barbadoes, of which the said governor and council were the judges, did not sit once, from the governor's arrival in that island, in July 1698. till the 24th January 1700; which is two years and an half; whereby all judgments at law, whereon writs of error were brought, were stayed from execution; and the said court, having been so long discontinued, was, at length, revived by a publick proclamation in all the market-towns of that island.

To which sixth article it was answered, for the Lord Grey, that the said court of errors was held by the governor and council, and judges; and that there was a court held within the time complained of by the petitioner; and proved the same by the book of the assembly and council; whereby it appeared such court was held upon the 10th of August 1698.

The petitioner, in the seventh article, alleges, that, by the neglect and connivance of the said governor, most of the five courts of common-pleas did not duly sit at the times appointed by the laws of that island; but were, without any just cause, frequently adjourned for a long time; and the court of St. Andrews sat but one day in fourteen months, though many causes were there depending.

To which seventh article it was answered, for the Lord Grey, that the said courts might not sit at the very times appointed by the laws of the island; and might be frequently adjourned; but that the same was done without any connivance or knowledge of the governor, but by the customary power of the said courts.

The petitioner, in the eighth article, alleges, that, on the death of Mr. Gardiner, one of the judge-assistants in the court of St. Michael's, the said governor neglected to fill his place for above six months after; by which all the business of that court was stayed; in which about three or four hundred causes were then depending.

To prove which, he called *Mr. Beddingfeild*: Who said, that, upon Judge Gardiner's death, and upon application made to the Lord Grey, for supplying that vacancy, he did appoint Mr. Blackman to succeed him, who did accept of the office; but, when he came to the town, and was to sit, he excused himself from so doing, by reason of his indisposition; and thereupon the Lord Grey did, as he takes it, appoint Mr. Worsham to succeed him, against the sitting of the next court: that the said judges and assistants have no salaries; and the governor cannot compel any person to serve in those employments.

Mr. Cowse said, that Judge Gardiner died in April or May 1700. and that he came away in December following; and believes the judge's place was not then filled up; and that he does not know there was any application made to the governor for supplying the same.

Mr. Turner said, that he never heard of any application made to the Lord Grey, for the supplying Judge Gardiner's place; and believes his lordship did supply the same, as soon as he had notice of his death: that there hath been differences in opinion, whether a court could be held upon the death of a judge or assistant, and has not known any court held in such case; but believes there may have been such held: and believes there might be about a hundred causes then depending in the said court; and believes there neither are, nor have been, at any time, less causes depending.

That the petitioner, to prove two courts were adjourned for want of one assistant, referred to the proceedings of the court of common-pleas; whereby it appeared, that the St. Andrew's court was adjourned the 30th June and 28th July 1699. one of the assistants being dead; though, by the commission to the chief justice of that court, the said judge, with any two of the assistants, or, in the judge's necessary absence, any three of the said assistants, might hold the same.

To which eighth article it was answered, for the Lord Grey, that he submits himself, upon what evidence has been given by Mr. Hodges' witnessses to this article; and, to prove the supplying Judge Gardiner's place,

referred to the proceedings of the court of commons pleas; whereby it appeared, that James Colleton esquire sat as chief judge of St. Michael's court the 26. 27. and 28th February 1700.

The petitioner, in the ninth article, alleging, that he, then having several suits of a considerable value depending in the said chancery, and other courts of that island, was, by the said obstructions of justice, very much delayed and oppressed, and lost one debt of above eighteen hundred pounds, together with all his charge and trouble: and he has likewise suffered very much by injunctions, there granted, to stop proceedings at common law; and remains still without any benefit of his suits in that island.

To prove which, he produced the copy of a will, filed the 25 November 1697. and the answer did not come in till the 15 March following; and his cause depended two years; and could get no further than exceptions to the answer:

And, in another cause between the said Hodges and Sir Sam. Husbonds, he referred to the register's certificate of business done in that court; whereby it appeared, that the petitioner's bill was filed the 22d May 1699. and, the 12th of June, an attachment issued out, for want of an answer, against the defendant; and, that day, he got fourteen days time to answer; and, upon the twentieth, he had fourteen days more; and, upon the thirtieth, he had fourteen days more; and, they being expired, the attachment issued out; and, the 3d August, he petitioned to clear his contempt, and filed his answer upon the 25th of August: upon which, Hodges, by petition, had a month's time to accept or reply; and, after that, a month more; and, upon the 16 of September, filed his exceptions, which were referred to a master the 24th January; and, upon the 20th March, the master's report was published, and, after confirmation, suspended for further answer, and costs issued; but, before any further answer, the said Sir Sam. Husbonds died:

By whose death, the petitioner said, he lost all the event of his suit; the said Sir Sam. having but little estate, other than an annuity of five hundred pounds per annum; which, had his cause been dispatched in the said court, he might have obliged him to have sold, for answering what might have been decreed against him:

And that, in another cause against one Horne, the petitioner's agent in Barbadoes consented to an agreement, to be decreed much to his prejudice; which he cannot, as yet, get to be set aside.

To which ninth article it was answered, for the Lord Grey, that, as to the cause between the petitioner and Husbonds, it appears, by the register's certificate, that he took more time to reply and except to the answer than the defendant had for answering; whereby the delay, in a great measure, lay upon himself:

And that, as to⁹⁴ case between the petitioner his lordship was no-way concerned in what agreements were made by the agents in the causes; and that, if he suffered any abuse by his own agent, who he had empowered to make agreements, to be decreed by consent, he must

⁹⁴ The omissions are in the *Journals*.

lay the blame upon his said correspondent, and not the decree of the court; his lordship being indifferent and unconcerned in the matter; and the consent of the parties appearing to be the foundation for the decree.

The petitioner, in the tenth article, alleges, that the Lords Commissioners of Trade, in their proceedings thereon, have acted contrary to the trust reposed in them by his Majesty, to the dishonour of his government, and great oppression to the petitioner, and many others.

The which the petitioner alleged to be true; for that the said commissioners had not fairly and impartially reported to his late Majesty the facts by him alleged to them in the nine preceding articles.

For answer whereunto, the Commissioners of Trade alleged, that they never refused, or delayed, upon the frequent application of Mr. Hodges, to represent to his late Majesty the complaints of the said Mr. Hodges, together with the proper remedies, in case the allegations of the complaints had been true; and did not only write thereupon to the Lord Grey, but likewise procured his late Majesty's letters to him, to the same effect; *viz.*

That especial care might be taken, that justice should be every-where duly and speedily administred; and that all complaints should have such redress as was agreeable to law; and that the governor should constantly hold courts of chancery, till all the causes depending were determined: which may more fully appear, with divers other particulars to the same tenour, by the papers C, D, E, F, G; which follow; *viz.* . . . ⁹⁵

And the said commissioners did further allege, that the occasion of Mr. Hodges's displeasure and complaint against them was, that, upon his request to that board, that he might have an order from his late Majesty to the chancery of Barbadoes, directing them to set aside an agreement made by Mr. Pilgrim, Mr. Hodges' attorney, with Mr. Herne, although the same should have been passed into a decree; and that the suit against Mr. Hodges should be put into the same condition, in all respects, as it was before the making the same agreement; which request of Mr. Hodges appears under his own hand; the said commissioners did thereupon report to his late Majesty, that it had not been usual for his Majesty, or his predecessors, to interpose the royal authority in judicial proceedings in the plantations, otherwise than by receiving appeals to his Majesty in Council for his royal determination, as to right should appertain; which, the said commissioners humbly conceive, they were in duty obliged to represent to his late Majesty, although to the dissatisfaction of Mr. Hodges; and that, if they had done otherwise, they would have deserved as severe a censure, as Mr. Hodges has, by his petition and articles, most unjustly laid upon them.

Resolved, that Thomas Hodges esquire hath not made good his petition, or any of the particulars of maladministration complained of by the

⁹⁵ Here are printed: Council of Trade to Grey, Jan. 27, 1700/1 (*Cal. St. P. Col.*, 1701, p. 53); same to the king, Feb. 6 (*ibid.*, p. 67); same to Secretary Vernon, Mar. 13, enclosing a draught of a letter from the king to Grey, for the former's signature (*ibid.*, pp. 124-125); Council of Trade to Grey, Mar. 25, enclosing the king's letter and copies of petitions and memorials referred to (*ibid.*, p. 141); same to king, Dec. 12, reviewing the subject of the administration of justice in Barbados (*ibid.*, pp. 674-677).

said Mr. Hodges against Ralph Lord Grey, late governor of Barbadoes, or the Commissioners of Trade and Plantations.

Resolved, that the said petition, and complaint, is vexatious and scandalous. (*C. J.*, XIII. 876-884.)

May 23, HC. Resolved, that an humble address be presented to her Majesty, that she will be graciously pleased to give all necessary encouragement for making captures on the enemy; and, particularly, that she will grant commissions and charters to such of her subjects as shall endeavour to make acquisitions in the East or West Indies; with such directions, instructions, and limitations, as her Majesty shall think best in her great wisdom.⁹⁸

Ordered, that the said address be presented to her Majesty by such members of this House as are of her Majesty's most honourable Privy Council. (*Ibid.*, p. 907.)

May 23, HL. And the Earl of Peterborow reported from the Lords committees, an address drawn by them, in relation to privateers.

Which was read, and agreed to by the House, as follows, (*videlicet*,)

We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, return your Majesty our humble thanks, for your gracious answer to the address of both Houses; and particularly for the assurance, that you will not omit any necessary precautions for the protection of trade: and we humbly beg leave to represent to your Majesty, that the sea preparations of your Majesty's enemies being such as seem not to be intended for encountering and fighting your royal navy; but rather for making a piratical war, to the interruption of the commerce of the subjects of your Majesty and your allies, it is, in our opinion, highly requisite for the public service, that your Majesty would be pleased to give all possible encouragement to your subjects, to arm and set out private men of war: and whereas, by the sixth article of the treaty concluded at the Hague, between his late Majesty of glorious memory, the Emperor, and the States General, your Majesty is at liberty to take and seize lands and cities belonging to the Spanish dominions in the Indies, and retain the same as your own; to the end your Majesty and your subjects may have a real and effectual advantage of the said article, and that persons may be encouraged to become adventurers, in order to the taking and gaining cities, ports, countries, or places, in the Indies, from your Majesty's enemies; we humbly offer our advice to your Majesty, that you would be graciously pleased to grant commissions, or charters, under the great seal of England, with such powers, privileges, and advantages, and under such limitations and instructions, as your Majesty, in your royal wisdom, shall think needful and convenient, to all persons, bodies politic or corporate, who shall make applications to your Majesty, and are willing to be adventurers in making such acquisitions in the Indies, or shall contribute thereto, or be aiding or assisting therein; subject, nevertheless, to such terms and conditions as your Majesty shall judge most expedient for the good of your kingdoms.

⁹⁸ See entry of Mar. 4, *ante*.

Ordered, that the Lords with white staves do humbly attend her Majesty, with the said address.⁹⁷ (*L. J.*, XVII. 147.)

May 25, HC. Mr. Chancellor of the Exchequer acquainted the House, that, their address having been presented to her Majesty, that her Majesty would be graciously pleased to give all necessary encouragement for making captures on the enemy; and, particularly, that she will grant commissions or charters to such of her subjects that shall endeavour to make acquisitions in the East or West Indies; with such directions, instructions, and limitations, as her Majesty shall think best in her great wisdom; her Majesty was pleased to give answer, that her Majesty will take care the address shall be complied with, so far as is in her power. (*C. J.*, XIII. 907.)⁹⁸

⁹⁷ An attempt had been made this session to pass a bill for the encouragement of privateers, but it failed because of disagreement between the Lords and Commons over some of the amendments. May 22, a committee was appointed in the Lords to prepare this address. (*L. J.*, XVII. 145.) The queen's answer to it was "that she would take all the care in it she could". *Ibid.*, p. 148.

⁹⁸ Parliament was this day prorogued to July 7, when it was dissolved.

PARLIAMENTS AND CONVENTIONS OF THE ESTATES OF SCOTLAND.

WILLIAM AND MARY: FIRST PARLIAMENT.

Session of April 18–June 15, 1693 (5 Gul. et Mar.).¹

1693.

June 13. Ane act for encouradgeing forraigne trade and entering into companies for that effect, read, and after some amendments it was put to the vote and approven. (*Acts of the Parliaments of Scotland*, IX., Appendix, p. 91.)²

June 14. Act for Encouraging of Forraigne Trade.

Our Sovereigne Lord and Lady the King and Queens Majesties considering how much the improvement of trade concerns the wealth and wellfare of the kingdom, and that nothing hath been found more effectuall for the improving and enlargeing thereof than the erecting and encourageing of companies whereby the same may be carryed on by undertakeings to the remotest parts, which it is not possible for single persons to undergo doe therefore with advice and consent of the Estates of Parliament, statute and declare that merchants more or fewer may contract and enter into societies and companies for carrying on of trade, as to any subject or sort of goods and merchandice to whatsoever kingdoms countries, or parts of the world, not being in warr with their Majesties, where trade is in use to be or may be followed, and particularly beside the kingdoms and countries of Europe to the East and West Indies to the Straits, and trade in the Mediterranean, or upon the coast of Affrick or northerne parts, or else where as above, which societies and companies being contracted and entered into upon the terms and in the usuall manner, as such companies are set up, and in use in other parts, consistently always with the laws of this kingdom, their Majesties, with consent forsaide doe hereby allow and approve, giving and granting to them and each of them, all powers rights and priviledges as to their persons rules and orders that by the laws are given to companies allowed to be erected for manufactories. And farder their Majesties for their greater encouragement, doe hereby upon the serious recommendation of the Estates of Parliament promise to give to these companies and each of them his letters patent under the great seal confirming to them the whole forsaide powers and priviledges, with what other encouragements their Majesties shall judge needfull, and in the forme, and with the solemnities in such cases accustomed. And

¹ See vol. I. of this series, p. 434, note 1. A Convention of Estates was called, by circular letters from the Prince of Orange, for Mar. 14, 1689, which on June 5 following was "turned into a Parliament". This was the fourth session of that Parliament.

² The appendix references given here and for subsequent entries are to the "minutes" of the proceedings not entered on the "record". The latter forms the text proper of the *Acts of the Parliaments of Scotland*.

the Estates of Parliament doe further recommend it to their Majesties, that in case any of the saids companies, to be entered into and sett up as said is, shall in their endeavours for the advancing and promoting of trade, especially to the forsaid remoter parts happen to be attacked and violently seized, or otherways disturbed by persons not in open warr with their Majesties, that then and in that case, their Majesties would be pleased to order, that the recovery of the ships and goods soe seized, or otherways molested and hindered be carryed on and prosecute by publick means, and at publick expense, as their Majesties shall think good, and that for the space of seaven years, after the date of these presents or further, after erecting of the saids companies, and granting to them their letters patent, as their Majesties shall see cause.³ (*Ibid.*, p. 315.)

Session of May 9–July 17, 1695 (7 Gul. III.).

1695.

May 9. *Marquess of Tweeddale*:¹ And if you find, it will tend to the advancement of trade, that an act be passed for the encouragement of such as shall acquire and establish a plantation in Affrica or America, or any other part of the world, where plantations may be lawfully achieved: his Majesty is willing to declare, that he will grant to the subjects of this kingdom, in favours of those plantations, such rights and privileges as he doth grant in like cases to the subjects of his other dominions (*A. P. S.*, IX., Appendix, p. 95.)

June 12. The draught of an act for encouraging trade, read and remitted to the committee of trade.² (*Ibid.*, p. 367; Appendix, p. 104.)

June 21. The act for encouraging a company for forraigne trade brought in from the committie of trade againe read, and by vote approved, but the list of the persones names members of the company to be insert in the act, remitted to the said committie to adjust the same to the effect they may be approved in Parliament. (*Ibid.*, Appendix, p. 106.)

June 26. The list of the persons names to be insert in the act for encouraging a company of forreign trade, brought in from the committee of trade, read, voted, and approved; and ordered that the names be insert in the said act, which thereafter was tuched with the scepter by his Ma'ts commissioner in the usual manner.³

Act for a Company tradeing to Affrica and the Indies.⁴

³ Under the authority of this act, the Company trading to Africa and the Indies (the Darien Company) was established (*post*).

¹ John Hay, first marquess, Lord Chancellor of Scotland 1692–1696, dismissed for supporting the Darien scheme.

² See act of June 26, *post*.

³ Thus far also in the Appendix, p. 107.

⁴ The proposal of William Paterson, founder of the Bank of England, who, while working as a merchant in the West Indies, saw the possibilities of Panama as a trading post. Immediate and violent opposition to the company arose in England (*ante*, pp. 132–133), because of its rivalry with existing English monopolies, and for fear of complications with the Spaniards who claimed the territory to be occupied by the Scots. Nevertheless, in July, 1698, the colonists sailed for the isthmus. Bad organization, climate, and successful opposition of the Spaniards both at Darien and at the English court, brought failure to this and succeeding expeditions. See authorities cited *ante*, p. 133.

Our Sovereign Lord taking into his consideration, that by an act past in this present Parliament, intituled Act for incourageing of forraign trade; his Ma'ty for the improvement thereof did with advice and consent of the Estates of Parliament, statute and declare, that . . .⁵ And his Majesty understanding that several persons as well forreigners as natives of this kingdom, are willing to engage themselves with great soumes of money, in an American, Affrican, and Indian trade, to be exercised in and from this kingdom, if enabled and encouraged thereunto, by the concessions powers and priviledges, needfull and usual in such cases. Therefore and in pursuance of the forsaid act of Parliament, his Majesty with advice and consent of the said Estates of Parliament doth hereby make and constitut John Lord Belhaven, Adam Cockburn of Ormiestoun, Lord Justice Clerk, Mr Francis Montgomery of Giffen, Sr John Maxwell of Pollock, Sr Robert Chiesly present provost of Edinburgh, John Swintoun of that ilk, George Clark late baillie of Edinburgh, Mr Robert Blake-wood, and James Balfour, merchants in Edinburgh, and John Corss merchant in Glasgow, William Paterson esquire, James Fowlis, David Nairn esquire, Thomas Deans esquire, James Chiesly, John Smith, Thomas Coutes, Hugh Frazer, Joseph Cohaine, Daves Ovedo, and Walter Stuart merchants in London, with such others as shall joyn with them within the space of twelve moneths after the first day of August next, and all others whom the forsaid persons and these joyned with them, or major part of them being assembled, shall admitt and joyn into their joynt stock and trade, who shall all be repute, as if herein originally insert to be one body incorporat, and a free incorporation, with perpetual succession, by the name of the Company of Scotland tradeing to Affrica and the Indies, providing allwayes likeas it is hereby in the first place provided, that of the fond or capital stock that shall be agreed to be advanced and imployed by the forsaid undertakers, and their copartners, the halfe at least shall be appoynted and allotted for Scottish men within this kingdom, who shall enter and subscribe to the said company, before the first day of August one thousand six hundred and nyntie six years: and if it shall happen that Scots men living within this kingdom, shall not betuixt and the forsaid term, subscribe for, and make up the equal halfe of the said fond or capital stock, then and in that case allennarly,⁶ it shall be and is hereby allowed to Scots men residing abroad, or to forraigners to come in, subscribe and be assumed for the superplus of the said halfe, and no otherwise: likas the quota of every mans part of the said stock wher-upon he shall be capable to enter into the said company, whether he be native or forraigner, shall be for the least one hundred pound sterlin, and for the highest or greatest, three thousand pound sterlin, and no more directly nor indirectly in any sort; with power to the said company to have a common seal, and to alter and renew the same at their pleasure, with advice alwise of the lyon king at arms;⁷ as also to plead and sue,

⁵ The act of June 14, 1693, for encouraging foreign trade (*ante*, p. 472), is here quoted.

⁶ Only.

⁷ Lyon King-of-Arms ranked next to the Garter King-of-Arms. He held office directly from the sovereign, and presided over the Order of the Thistle.

and be sued, and to purchase, acquire, possess, and enjoy lordships, lands, tenements, or other estate real or personal, of whatsoever nature or quality, and to dispose upon and alienat the same, or any part therof at their pleasure, and that by transferrs and assignments made and entered in their books and records, without any other formality of law, providing allwayes, that such shares as are first subscribed for by Scots men within this kingdom, shall not be alienable to any other than Scots men living within this kingdom, that the forsaid transferrs and convoyancies as to lands and other real estate (when made of these only and a part) be perfected according to the lawes of this kingdome anent the convoyances of lands and real rights: with power likewise to the forsaid company, by subscription or otherwise, as they shall think fitt for to raise a joynt stock or capital fond of such a sum or sums of money and under and subject unto such rules, conditions and qualifications, as by the forsaid company, or major part of them when assembled, shall be limited and appoynted to begin, carry on and support their intended trade of navigation, and whatever may contribut to the advancement therof. And it is hereby declared that the said joynt stock or capital fond, or any part thereof, or any estate, real or personal, ships, goods, or other effects of, and belonging to the said company shall not be lyable unto any manner of confiscation, seisure, forfaulture, attachment, arreast or restraint, for and by reason of any embargo, breach of peace, letters of mark or reprisal, declaration of warr with any forraign prince, potentat, or state, or upon any other account or pretence whatsoever, bot shall only be transferrable, assignable or alienable in such way and manner, and in such parts and portions, and under such restrictions, rules and conditions, as the said company shall by writing in and upon their books, records and registers direct and appoynt, and these transferrs and assignments only, and no other shall convoy the right and property in and to the said joynt stock and capital fond and effects therof above mentioned, or any part of the samen, excepting allwayes as is above excepted, and that the creditors of any particular member of the company may by their real diligence affect the share of the profit falling and pertaining to the debtor, without having any further right or power of the debtors part and interest in the stock or capital fond, otherwayes than is above appoynted, and with this express provision, that whatever charges the company may be put to, by the contending of any of their members deceased, or of their assigneys, creditors or any other persons in their rights; the company shall have retention of their charges and expenses in the first place, and the books records and registers of the said company, or authentick abstracts, or extracts out of the same, are hereby declared to be good and sufficient, for evidents, in all courts of judicature, and else where. And his Majesty with advice forsaid, farder statutes and declares that the said ⁸ . . . shall and may in all time coming by the plurality of votes agree, make, constitut, and ordain all such other rules, ordinances and constitutions as may be needfull for the better government and improvement of their joynt stock, or capital fond, in all matters and things relating therunto: to which rules, ordi-

⁸ The names of the incorporators, listed above, are here repeated in the act.

nances and constitutions all persons belonging to the said company, as well directors, as members thereof, governours or other officers civil or military, or others whatsoever, shall be subject, and thereby concluded; as also to administrat and take oaths *de fidei*, and others requisit to the management of the forsaid stock and company. And the said company is hereby impowered to equip, fitt, sett out, fraught, and navigat their own, or hired ships in such manner as they shall think fitt, and that for the space of ten years from the date hereof, notwithstanding of the act of Parliament one thousand six hundred and sixtie one years, entituled Act for encouraging of shipping and navigation,⁹ wherewith his Majesty with consent forsaid dispenses for the said time allennarly, in favours of the said company, and that from any of the ports or places of this kingdom, or from any other ports or places in amity, or not in hostility with his Majesty, in warlike, or other manner to any lands islands, countreyes, or places in Asia, Affrica, or America, and there to plant colonies, build cityes touns or forts, in or upon the places not inhabited, or in or upon any other place, by consent of the natives or inhabitants thereof and not possest by any European sovereign, potentate, prince, or state, and to provide and furnish the forsaid places cities, touns, or forts, with magazines, ordinances, armes, weapons, ammunition and stores of warr, and by force of arms to defend their trade and navigation, colonies, cityes, tounes, forts and plantations, and other effects whatsoever, as also to make reprisals, and to seek and take reparation of damage done by sea or by land, and to make and conclude treaties of peace and commerce with the sovereigns, princes, estates, rulers, governours, or proprietors of the forsaid lands, islands, countries, or places in Asia, Affrica, or America; providing allwise, likeas it is hereby specially provided, that all ships imployed by them shall return to this kingdom with their effects, under the pain of confiscation, forfaulture, and seisure of the ship and goods, in case of breaking of bulk before their return, excepting the case of necessity, for preserving the ship, the company, and loading allennarly. And his Majesty with consent forsaid, doth farder statute and ordain, that none of the liedges of this kingdom shall or may trade or navigat to any lands, islands, countreyes, or places in Asia, or Affrica in any time hereafter, or in America, for, and during the space of thirty one years, to be counted from the passing of this present act, without license and permission in writing from the said company: certifying all such as shall do in the contrar hereof, that they shall forfault and amitt the third part of the ship, or ships, and of the cargo, or cargos therein imployed, or the value therof, the one halfe to his Ma'ty as escheat, and the other halfe to the use and benefit of the said company: for the effectual execution wherof it shall be lawfull to the said company, or any imployed by them, to seize the saids ships and goods, in any place of Asia, or Affrica, or at sea upon the coasts or Asia or Affrica, upon the transgression forsaid, by force of arms, and at their own hand, and that without the hazard of incurring any crime, or delinquency whatsoever on account of the said seizure, or any thing necessarily done in prosecution therof; excepting

⁹ Vol. I. of this series, p. 445.

allwise, and without prejudice to any of the subjects of this kingdom to trade and navigat, during the said space to any part of America, where the collonies plantations or possessions of the said company shall not be settled. And it is further hereby enacted, that the said company shall have the free and absolut right and property only relieving and holding of his Majesty, and his successors in sovereignty, for the only acknowledgement of their alleagiance, and paying yearly a hogshead of tobacco, in name of blensh duty,¹⁰ if required allennarly, in, and to all such lands, islands, collonies, cities, touns, forts and plantations, that they shall come to establish, or possess in manner forsaid; as also to all manner of treasures, wealth riches, profits, mines, minerals, fishings, with the whole product and benefit th'rof, as well under as above the ground, and as well in rivers and seas, as in the lands thereto belonging, or from, or by reason of the same in any sort, together with the right of government and admirality th'rof; and that the said company may by vertue hereof grant and delegat such rights, properties, powers and immunities, and permitt and allow such sort of trade, commerce, and navigation into their plantations, collonies, cities, touns, or places of their possession, as the said company from time to time shall judge fitt and convenient; with power to them to impose and exact such customs, and other duties, upon and from themselves, and others trading with, and coming to the said plantations, cities, touns, places, and ports and harbours therof, as the company shall think needfull for the mantainance and other publick uses of the same, holding allwise, and to hold the whole premises of his Majesty, and his successors, kings of Scotland, as sovereigns therof, and paying only for the same, their acknowledgement and alleagiance, with a hogshead of tobacco yearly, in name of blensh duty, if required, for all other duty, service claim, or demand whatsoever, with power and liberty to the said company to treat for, and to procure and purchass such rights, liberties, priviledges, exemptions and other grants, as may be convenient for supporting, promoting and enlargeing their trade and navigation from any forreign potentat or prince whatsoever in amity with his Majesty, for which the general treaties of peace and commerce betuixt his Majesty and such potentates, princes or states shall serve for sufficient security, warrand and authority; and if contrar to the said rights, liberties, priviledges, exemptions, grants or agreements, any of the ships, goods, merchandise, persons or other effects whatsoever, belonging to the said company shall be stopt, detained, embazled or away taken, or in any sort prejudged, or damnified; his Majesty promises to interpose his authority to have restitution, reparation and satisfaction made for the damage done, and that upon the publik charge, which his Majesty shall cause depurse, and lay out for that effect. And farder it is hereby statute, that all ships vessels, merchandise, goods, and other effects whatsoever belonging to the said company, shall be free of all manner of restraints or prohibitions, and of all customs, taxes, cesses, supplies, or other duties imposed, or to be imposed by act of Parliament, or otherwise, for and

¹⁰ Blanch duties were quit-rents payable in silver or white money, in contradistinction to rents reserved in work or grain, called black mail.

during the space of twenty one years, excepting allwayes the whole duties of tobacco and sugar that are not of the growth of the plantations of the said company. And farder it is enacted, that the said company by commission under their common seal, or otherwayes as they shall appoynt, may make and constitute, all and every their directors, governours and commanders in chieff, and other officers civil or military, by sea, or by land; as likewayes that the said company, may inlist, inroll, hyre, and retain all such persons subjects of this kingdom, or others whatsoever, as shall be willing and consent to enter in their service, or pay, providing allwayes that they uplift or levy none within this kingdom, to be soldiers, without leave and warrand first obtained from his Majesty, or the Lords of his privy Council, over which directors, governours commanders in chieff, or other officers civil or military, and others whatsoever in their service and pay, the company shall have the power, command and disposition both by sea and land. And it is further statute, that no officer civil, or military, or other person whatsoever within this kingdom shall impress, entertain, stop or detain any of the members officers, servants, or others whatsoever, or of belonging to the said company, and in case the said company, their officers or agents, shall find or understand any of their members, officers, servants, or others aforesaid, to be impressed stoped or detained, they are hereby authorized and allowed to take hold off, and release the forsaid person impressed or stoped in any part of this kingdom, either by land or water; and all magistrats and others his Majesties officers civil and military, and all others are hereby required in their respective stations, to be aiding and assisting to the said company, under the pain of being'lyable to all the loss, damage and detriment of the said company, by reason of the forsaids persons their neglect. And farther that the said company, whole members, officers, servants, or others belonging thereto, shall be free both in their persons, estates and goods, employed in the said stock, and trade, from all manner of taxes, cesses, supplies, excises, quartering of souldiers, transient or local, or leavying of souldiers, or other impositions whatsoever, and that for and during the space of twenty one years. And lastly all persons concerned or to be concerned in this company, are hereby declared to be free denizens of this kingdom, and that they, with all that shall setle to inhabit, or be born in any of the forsaid plantations, collonies, cities, touns, factories and other places that shall be purchast and possesst by the said company, shall be repute as natives of this kingdom, and have the priviledges therof. And generally without prejudice of the specialities forsaid his Ma'ty with consent forsaid, gives and grants to the said company, all power, rights, and priviledges, as to their persons, rules, orders, estates, goods and effects whatsoever, that by the lawes are given to companyes allowed to be erected for manufactories, or that are usually given in any other civil kingdom, or commonwealth, to any company there erected for trade and commerce. And for the better establishment and greater solemnity of this act and gift in favours of the said company, his Majesty doth farder ordain letters patent to be exped hereupon, containing the whole premisses, under the great seal of this kingdom, for doing wherof *per saltum*, thir presents shall be sufficient warrand both to the director and

chancellour, or keeper of the great seal, as use is in like cases.¹¹ (*A. P. S.*, IX. 377-381.)

July 5. Ordered that the act encourageing foraigne trade be published and printed. (*Ibid.*, Appendix, p. 118.)

July 16. Act and offer to his Majestie brought in from the committie of trade for one additionall impositione on certaine foraigne goods imported, read and remitted back againe to the said committie to be furder considered and the members ordered to give in proposals theranent. (*Ibid.*, p. 122.)

July 17. The act and offer to his Majestie of ane additionall impositione on certaine foraigne goods imported brought in againe from the committie of trade read voted and approven. (*Ibid.*, p. 123.)

July 17. Act for Additional Imposition upon Forraign Commodities imported.

The Estates of Parliament considering the great concessions granted by his Majesty in this present session of Parliament in favours of the natural product of this kingdom by the encouragement given for the exporting of corns, and the many priviledges allowed for the improvement of trade and manufactories, and that it is reasonable there should be such additional duties and customs laid upon forraign imported commodities, in requital for his Majesties gracious favour do with all humble duty and thankfullness, offer to his Majesty the additional duties upon the forraign commodities after mentioned. . . . Item on tobacco in leaff, not from the plantations of new duty per pound two shilling. Item on tobacco in roll not from the plantations of new duty per pound four shilling. . . . Item on sugar in loaiffe imported of new duty per hundred weight three pounds. . . . Which duties and customs above speciefied our Sovereign Lord with advice and consent of the Estates of Parliament statute and ordain to be payed by all merchants and other importers of the said forraign commodities, in the same manner as the other duties to which they were formerly lyable; and ordains all farmers, collectors surveyers and others, to ingather the same, and that after the same manner they do his Majesties other duties upon forraign imported commodities and that from and after the term of martimass¹² one thousand six hundred and nynty six years and hereby discharges the said collectors farmers surveyers and other inbringers of his Ma'ts customs to transact, abate, or allow, of any defalkation of the additional duties above specified under the pain of deprivation of their offices, and losing the benefit of their tacks. (*Ibid.*, p. 460.)

Session of July 19-September 1, 1698 (10 Gul. III.).

1698.

July 27. Petition from the African Company with the memoriall therin mentioned read and ordained to be again read and considered the first sederunt of the Parliament nixt week. (*A. P. S.*, X. 126.)

¹¹ July 17 of this session, an act was passed allowing administrators to invest their funds in this company. *A. P. S.*, IX. 463.

¹² Martinmas, the feast of St. Martin, Nov. 11.

To his Grace his Majesties High Commissioner,¹ and the right honourable the Estates of Parliament. The humble petition of the council-general of the Company of Scotland trading to Africa and the Indies.

Sheweth, that whereas the wisdom of the king, and this present Parliament, has thought fit by two solemn several acts, and letters patent under the great-seal of this kingdom, to establish our company with such powers, priviledges and immunities, as were thought needful to encourage any such new undertaking in this nation; and particularly to raise a joynt-stock in such manner as we should think fit. And for that end to enfranchise such forraigners as would become partners with us, and to enter into treaties of commerce with any in amity with his Majestie for that effect, etc. Those of our number who were then intrusted with the management thereof did think it most natural to make the first offer of sharing our said priviledges with our countrey-men, and other neighbours in England, as living under the same monarchy: and they not only readily embraced the offer, but in nine days time subscribed 300,000 *lib.* sterling, as the one half of the capital-stock then proposed, and actually payed in the first-fourth part thereof, part in specie, part in bank-notes, and the rest in notes payable upon demand.

That both Houses of the Parliament of England taking umbrage at those proceedings, did not only joyntly address his Majesty for frustrating the ends of the said act, but the House of Commons did also appoint a committee to examine what methods were taken for obtaining the said act of Parliament here, for establishing our company, who were the subscribers thereto, and who were the promoters and advisers thereof, with power to send for persons, papers and records; pursuant to which, the said committee gave orders to summon not only the English subscribers, but even some persons then residing in Scotland, as by the said address, votes of the House of Commons, and copy of the said summons may appear;² by all which, together with some other measures then taken, our friends in England were, to our great loss, disappointment, and retardment, forced to relinquish, etc.

That notwithstanding of that discouragement, not only most of the nobility, gentry, merchants, and whole body of the royal burrows, have upon the inducement, and publick faith of the said acts of Parliament, and letters patent, contributed as adventurers, in raising a far more considerable joynt stock, than any was ever before raised in this kingdom for any publick undertaking, or project of trade whatsoever, (which makes it now of so much the more universal a concern to the nation) but we have also had all the promising hopes of forreign aid, that our hearts could wish, especially at Hamburgh, where the merchants of that city entred into contract with our deputees, to joyn at least 200,000 *lib.* sterling with us, till, to our great surprise and loss, the English ministers there, did, under pretence of special warrant from his Majesty, put a stop thereto, by giving in a memorial to the senate of that city, threatning both senate and inhabitants, with the king's outmost displeasure, if they

¹ Sir Patrick Hume, or Home, first earl of Marchmont, and Baron Polwarth.

² *Ante*, pp. 135, 137-140.

should countenance, or joyn with us in any treaty of trade, or commerce, as by the annexed copies thereof, in French and English, may appear, which memorial, we humbly pray, may, for the better information of your Grace, and right honourable Estates, be also read in Parliament.³

That after the said memorial was by the senate transmitted to the commercii or body of merchants of that city, they to assert their own freedom, did advise and prevail upon our deputies and agents who were there for the time, to open books in the said merchant's hall, where for some days they signed considerable sums pursuant to their said contract, tho' under condition to be void, if we should not procure some declaration from the king that might render them secure from the threatnings and other insinuations contained in the said memorial: ⁴ and to our great disappointment, thus the case stands in suspense between them and us to this day.

That as the reasonable (nay and unquestionable) prospect which we had of a powerfull assistance from Hamburg and severall other places (if not obstructed as aforesaid) induced us to propose a far greater equipage at first than otherwise we would have done; so the rendring of those measures abortive, has not only weaken'd our stock, lessened our credit, retarded our first expedition, and disheartned many of our partners at home, but even also shackled our resolutions and power from prosecuting at present severall other branches of forreign and domestick trades and improvements which we had in view, if we had not met with such obstructions and discouragements from time to time.

That tho' our company is more immediately and sensible touched in many respects by such proceedings, than any other; yet we humbly conceiving also, that the honour and independency of the nation, as well as the authority and credit of the Parliament is struck at through our sides; we could not as countrey-men, and in duty to that collective power, which gave our company first a being, but inform his Grace his Majesties High Commissioner, and right honourable the Estates of Parliament of the premisses, to the end, that the great council of the nation, now assembled (whom God Almighty direct) may do therein as to them in their profound wisdom and discretion, shall think fit.

That as to what thereof concerns our company in particular, we shall humbly beg leave to suggest further, that our ships being now at sea, on their intended voyage, the former treatment which our company met

³ Early in 1697, Paterson and Colonel John Erskine went to Hamburg to enlist the merchants in a subscription of £200,000. Sir Paul Rycaut, resident in Hamburg and the Hanse Towns 1689-1700, and James Cresset, envoy extraordinary to the courts of Lüneburg and Denmark, presented a memorial to the senate of Hamburg stating that the king would regard any encouragement to this proceeding as an affront which he would not fail to resent. As a result of this protest, all promised support was withdrawn. This memorial, dated April 7, is printed in Insh, *Darien Shipping Papers*, pp. 28-29, and in *A Full and Exact Collection of all the Considerable Addresses . . . relating to the Company of Scotland trading to Africa and the Indies* (1700), pp. 4-5. Rycaut's correspondence with Blathwayt and Secretary Trumbull on the subject is also printed, *ibid.*, pp. 6-34; the several protests of the company to the king and the Privy Council of Scotland are given in *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien*, attributed to George Ridpath (Glasgow, 1700), pp. 22-32.

⁴ See Rycaut to Trumbull, Apr. 16, 1697. Insh, *Darien Shipping Papers*, pp. 29-31.

with in England and else where, may give us too just grounds to suspect, that if either through multiplicity of publick affairs, or otherwise howsoever, your Grace and right honourable Estates of Parliament, should neglect the taking present notice of such usage, the enemies of our company would be thereby encouraged, either directly or indirectly to pursue their former designs of ruining (if possible) all our measures.

May it therefore please your Grace, and the right honourable the Estates of Parliament, to take the premisses into your most serious consideration, to vindicat our company's reputation abroad, by supporting the credit of the acts of Parliament, and letters patent, by which the same is established, and wherein the honour of the nation is so much concerned, to take effectual measures (as the said act provides) for repairing the great loss and dammages, which we have already sustained, through the unwarrantable treatment above-mentioned, as well as for preventing the like for the future; and withal to continue to us the priviledges and exemptions mentioned in the said acts of Parliament, and letters patent for some longer time, in consideration of the time already elapsed without execution, and our stock lying dead without improvment, by reason of the obstructions aforesaid.

Signed at Edinburgh the 22 day of June 1698, in name and presence of the said council-general. By BASIL HAMILTON, I. P. C. G. (*A. P. S.*, X., Appendix, pp. 19-20.)

Aug. 3. Petition the councill generall of the Company tradeing to Affrica and the Indies read; and after some debate it was put to the vote remitt the consideratione of the petition to the committie for security of the kingdom or to a new committee to be chosen for that effect and it carried to the committie for security;⁵ and accordingly it was remitted to the said committie to consider the petition with the instructions therof and to bring in a report the nixt sederunt of Parliament. (*Ibid.*, p. 132; Appendix, p. 22.)

Aug. 5. An address to his Ma'tie by the Parliam't in behalf of the Company tradeing to Africa and the Indies brought in from the committie for security to whom the consideration for the companies petition was remitted read, and after debate and some amendments again read voted and approven, *nemine contradicente*. Of which the tenor followes.

We your Majesties most loyall and faithfull subjects the noblemen barons and burgesses convened in Parliament do humbly represent to your Majestie that haveing considered a representation made to us by the counsell generall of the Company tradeing to Affrica and the Indies making mention of severall obstructions they have met with in the prosecution of their trade particularly by a memoriall presented to the senate of Ham-burgh by your Majesties residents in that city tending to lessen the credit of the rights and priviledges granted to the said company by an act of this present Parliament, we do therfor in all humble duty lay before your Majestie the whole nations concern in this matter and we do most earnestly intreat and most assuredly expect that your Majestie will in

⁵ Consisting of nine members of each state, *i. e.*, the nobility, commissioners for shires, and commissioners for boroughs. *A. P. S.*, X. 123.

your royall wisdom take such measures as may effectually vindicat the undoubted rights and priviledges of the said company and support the credit and interest therof. And as we are in duty bound to return your Majestie our most hearty thanks for the gracious assurances your Ma'tie has been pleased to give us of all due encouragement for promoteing the trade of this kingdom so we are hereby encouraged at present humbly to recommend to more speciall marks of your royall favour the concerns of the said company as that branch of our trade in which we and the nation we represent have a more peculiar interest. (*Ibid.*, X. 134.)

Aug. 8. Recommended to his Ma'ties High Commissioner and to the Lord President⁶ to transmitt to his Majestie the Parliaments address in behalf of the Company trading to Africa and the Indies.

Sir Francis Scot in name of the company returned their hearty thanks to his Grace his Majesties High Commissioner and the right honourable Estates of Parliament for the favours done to the company, and farder intreated that the concerns of the company and any addresses that should be made by them to his Ma'tie might from time to time be presented to his Majesty; to which his Grace his Majesties High Commissioner and the Lord President answered, that the company might be alwayes assured of their readiness to serve them. (*Ibid.*, p. 135; Appendix, p. 24.)

Session of May 21-30, 1700 (12 Gul. III.).

1700.

May 27. A representation and petition of the councill general of the Company tradeing to Africa and the Indies, read, whereby it was craved that his Majesties High Commissioner¹ and the Estates of Parliament do take the several matters of fact therein represented into their most serious consideration, to vindicat support and protect them in the enjoyment of their lawfull priviledges both as a company and as subjects of this free and independent kingdom to take such measures as they in their profound wisdom may judge most effectual for repairing the many damages the petitioners have already sustained and for assisting them in the further prosecution of their companys lawfull designs but more especially for maintaining of their just right and title to the settlement of Caledonia² and the enjoyment of such advantadges as if duely protected may probably arise thereby.³ (*A. P. S.*, X. 194; Appendix, p. 36.)

May 27. To his Grace his Majesty's High Commissioner, and the right honourable the Estates of Parliament.

⁶ James Ogilvy, viscount Seafeld, an active opponent of the company.

¹ James Douglas, duke of Queensberry.

² In July, 1698, the first expedition started for Panama, and in the following November planted this colony on the north side of the isthmus. The opposition of the Spaniards, who claimed this territory, forced the abandonment of the settlement, Mar. 31, 1700. Documents and accounts of this first endeavor of the company are numerous: among others, see *A Full and Exact Collection*, etc., pp. 40 *et seq.*; Insh, *Darien Shipping Papers*, pp. 48-132; Burton, *Darien Papers*, *passim*; Francis Borland, *Memoirs of Darien* (Glasgow, 1715), pp. 20 to end; *The Hist. of Caledonia: or the Scots Colony in Darien in the West Indies*, by a Gentleman lately Arriv'd (London, 1699).

³ See next item for the full text of this representation.

The humble representation and petition of the council-general of the Company of Scotland, trading to Africa and the Indies.

May it please your Grace, and right honourable Estates,

It is evident by the whole strain of three several acts of Parliament, together with his Majesty's letters patent under the great seal of this kingdom, in favours of the said company, that the wisdom of the king and right honourable Estates did intend, that all such advantages as might arise by the establishing of such a company, should be of as universally a national concern as possible; and in order thereunto, were pleased to endow it with large privileges and immunities, suteable to the circumstances of an infant-company, and the greatness of its designs: and lest that it should fail in the execution, for want of a sufficient stock to carry on such an undertaking, all imaginable parliamentary encouragement was given to persons of all ranks, ages and sexes, both within and without the kingdom, whether natives or foreigners, to become partners and adventurers in the joynt-stock of the said company, as is singularly manifest by the 42d act of the 5th session of this current Parliament, especially calculated for that end only.⁴

Upon the publick faith of having due protection in the enjoyment of these unquestionable privileges and immunities, as having received their sanction from his Majesty and the unanimous suffrage of the great council of the nation as aforesaid, many persons of all ranks and degrees were thereby induced to become adventurers in the joynt-stock of our said company, in so much that in a very short time, a much more considerable stock was subscrib'd for within this kingdom, than was ever before so much as propos'd here upon any project whatsoever, since we were a nation: ⁵

Being thus entred into a society, we and our constituents have pursuant to the intentions of the acts of Parliament and letters patent abovemention'd, with much care and trouble, and a great expense of treasure, after having struggled with many unexpected obstructions and difficulties settled a plantation by the name of Caledonia, in one of the most healthful, fruitfull, naturally impregnable, and every way valuable places in all America, as is universally acknowledged by all persons of experience in such matters as well as by the general consent of such as have been there: and as a manifest proof thereof tho our said plantation be settled most strictly in the terms of the acts of Parliament and letters patent abovementioned, yet it has raised the jealousy of some, and envy of others, of the most knowing and considerable trading nations in Europe.

But to our and the nations great surprise, and inestimable loss, while we were using all ordinary means, and big with the hopes of riveting that settlement upon a lasting foundation, such was the further continued

⁴ The act establishing the company.

⁵ Of an issue of £600,000, the half allotted to home subscribers was almost immediately subscribed. "The Golden Island, or the Darien Song", composed by a "Lady of Honour", thus assured the stockholders:

"All men that has put in some stock
To us where we are gone,
They may expect our Saviour's words,
A hundred reap for one."

chain of unexpected obstructions and most unaccountable mal-treatments that we met with, by proclamations of a very strange nature, and otherwise, that the repeated misfortunes following thereupon, put us under an indispensable necessity of humbly petitioning his Majesty for allowing the Parliament to meet at the day appointed in November last;⁶ in full confidence and expectation of having the most natural and cordial assistance from those who have first established our company, and promised it protection; especially since all our other applications have hitherto proved ineffectual: but a meeting of the Estates of Parliament at that time not quadrating (it would seem) with his Majesty's other affairs, a very considerable body of the nobility, gentry and burgesses of this kingdom, thought fit, in a most dutiful and humble manner, by their late address, to represent to his Majesty, how deeply they were affected with the nations concern in our company's repeated misfortunes, and therefore humbly petitioned for the sitting of this Parliament as soon as conveniently might be. And the king having been most graciously pleased to order the meeting of the right honourable Estates now in Parliament, we think our selves in all duty bound to give his Grace his Majesty's High Commissioner and the right honourable the Estates, a short and naked narrative of the several obstructions and misfortunes that we have been all along forc'd to grapple with, in the prosecution of our company's designs, to the end that the great council of the nation, having a perfect view and full knowledge of these difficulties which we now labour under, may be the better able to judge how to apply a remedy:

The first attempt for strengthening our company's interest and stock was at London, where a subscription of 300,000 sterl. was procured in nine days time, without so much as a publick advertisement, and many knowing merchants were so far convinc'd of the many advantages that might probably arise from such a constitution, that they signified their willingness to be concerned for triple the sum, if allowed: but not only did the Parliament of England by their address to his Majesty of the 13th of December 1695. and otherways, render that subscription ineffectual, but the House of Commons did also appoint a committee, to examine what methods were taken for obtaining the act of Parliament, by which our said company is established who were the promoters and advisers thereof; and did afterwards impeach the nominees in the said act of Parliament; notwithstanding the absolute independency of this kingdom.⁷

Yet after all this discouragement, we went on with our subscriptions at home, and made our next effort for strengthening thereof beyond sea, both in Holland and Hamburgh: in the first of which places many eminent merchants declared their positive inclinations to be very considerably interested with us, and gave some signal proofs thereof, till they were made to understand by threatnings and other insinuations, that a higher power would make them at least very uneasy, if they persisted any further in their resolutions of being concerned with our company.

⁶ The petition is dated Oct. 19, 1699. *Full and Exact Collection*, pp. 84-87.

⁷ *Ante*, pp. 138-140, 143.

And at Hamburgh where we had the most promising hopes of foreign assistance, the Comerciū or Merchant Company, entered into contract with our company's deputees, to joyn at least 200,000 *l.* sterl. to our company's stock; but to our great astonishment, his Majesty of Great Brittain's ministers there, did under pretence of special warrant from the king, put a full stop thereto, by giving in a memorial to the burgo-masters and gentlemen-councillors of that city wholly dis-owning the authority of the acts of Parliament, and letters patent abovemention'd, and intimating that his Majesty would regard their entring into treaties with our company as an affront to his royal authority, and that he would not fail to resent it, as having neither credential letters, nor being any otherways authoriz'd by his Majesty.⁸

Upon notice whereof, we did in all humble duty address his Majesty in June 1697 [*sic*], for redress of that open and bold encroachment, upon not only our, but also the nations rights, in its most fundamental constitution, by endeavouring to subvert the independency of its parliamentary laws, expresly contrary to the law of nations: all which his Majesty by his royal letter from Flanders in July 1697, promised to take into consideration, as soon as he would return into England, and that in the meantime, his Majesty would give orders to his ministers at Hamburgh, not to obstruct our company in the prosecution of its trade with the inhabitants of that city.⁹

In the full confidence of his Majesty's royal promise, we thought ourselves secure and took our measures accordingly, till to our further surprize, we found by several instances, that his Majesty's said ministers were as wickedly bent against us as ever, and still denying that they had got any such orders from his Majesty: whereupon the directors of our company, did, by their letter of the 28 of September 1697, expostulate in the first place, with both the then secretaries of state, about that further dis-appointment,¹⁰ but having still no redress therein, we did in most humble and dutiful manner, by our second address of the 22d day of December 1697. lay the whole matter again before his Majesty;¹¹ and did likewise, at the same time, not only humbly represent the premisses to his Majesty's most honourable Privy-Council,¹² together with the train of ill consequences that must necessarily attend such treatment, if not prevented by an early redress; but wrote also separately to both the secretaries of state, and such other noble persons of the government, as happen'd to be then at London,¹³ to use their joint interest, for procuring justice, in a matter of such universal concern to the honour, interest, and independency of the whole kingdom.

⁸ Note 3, *ante*, p. 481.

⁹ This memorial dated June 28, 1697, is printed, *ibid.*, pp. 7-10. Most of the papers here referred to are given also in *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien* (Glasgow, 1700).

¹⁰ *Full and Exact Collection*, p. 11.

¹¹ *Ibid.*, pp. 11-13. John Murray, earl of Tullibardine, and Sir James Ogilvy were the secretaries.

¹² *Ibid.*, pp. 14-15.

¹³ *Ibid.*, pp. 16-19.

All the answer we obtain'd, was by a letter of the 17th. of January 1698, from both the secretaries of state: that the king said, he had already given orders to his resident at Hamburgh in that matter, conform to his royal letter from Flanders, in July 1697, which was then communicated to the company.¹⁴

By which answer, together with what repeated advices we had at the same time from Hamburgh, that the English ministers there, had still positively disown'd their having got any such orders, we were put out of all hopes of having any redress, untill we should have an opportunity of laying the whole matter before a meeting of the Estates of Parliament.

But in the mean time we proceeded, with all the strength we had (tho' extremely weak'ned by the treatment above-narrated) to make the best preparations we could (considering the scarcity of these years) for fitting out an equipage of ships, men, provisions, and other necessities, for settling a plantation in America, in the terms of the acts of Parliament, and letters patent above-mention'd: and its evident by the very constitutions of the colony, that they were calculated more for the general advantage of the nation and posterity, than for the particular and immediate benefite of the adventurers.

And the Parliament happening to meet the very next day after our ships had sail'd, we did by our humble petition of the 22d of July 1698,¹⁵ represent to his Grace, his Majesties then High Commissioner, and the right honourable Estates then assembled in Parliament, the treatment which our company met with at London and Hamburgh as aforesaid, the great prejudices which we had sustain'd thereby, and the many further inconveniences and evil consequences that must necessarily have followed thereupon, if, upon any account whatsoever, the Parliament should happen to neglect the taking immediate cognizance of such usage.

And the Parliament having thereupon, by their unanimous address of the 5th. of August 1698, to his Majesty, thought fit to manifest their own and the whole nations concern in that matter, earnestly entreating, and most assuredly expecting, that his Majesty would in his royal wisdom, take such measures, as might effectually vindicate the undoubted rights and privileges of the said company, and support the credit and interest thereof; and the Parliament likewise, by the same address, recommending the concerns of the said company to some special marks of his Majesties royal favour, as that branch of the trade of this kingdom, in which they, and the nation they represented, had a more peculiar interest; the court of directors of our company were thereby encourag'd to renew their application to his Majesty, with relation to the memorial given in by his ministers to the senate of Hamburgh, (the same being specially mention'd in the Parliaments address:) and in consideration of the dammages sustain'd by the company, through means of that memorial, the directors humbly petition'd, that his Majesty would be pleased, for their encouragement at that time, as a gracious mark of his royal favour, to bestow

¹⁴ See, *e. g.*, a letter to the Duke of Queensberry, Dec. 25. *Ibid.*, pp. 19-20.

¹⁵ June, in *A. P. S.*; see entry of July 27, 1698, *ante*. In *A Full and Exact Collection*, p. 25, the petition is dated July 22.

upon them the two smallest of the frigots, then (and to this hour) lying useless in Bruntisland harbour.¹⁶

But our company having no manner of answer to either of these, and being assured by several letters from Hamburgh,¹⁷ that both the English ministers there, had positively denied their having received any such orders, as were long before promised, and declared to have been given, with relation to that memorial, the court of directors of our company did, by their letter of the 29th of November 1698, transmit copies of the said letters to the Viscount of Seafield, then sole Secretary of State, and entreated his lordship, to procure some speedy and effectual answer from his Majesty to the contents of both that letter, and their former petition.¹⁸

The secretary, by his letter of the 13th of December 1698, returned for answer, that he would take the first convenient opportunity he could have, to represent that matter to the king, but that he could not expect to have it for some time, because his Majesty was then very much employed in the affairs of his English Parliament.

We thereupon waited a full month in expectation of some further answer, but getting none, our court of directors did, by a letter of the 13th of January 1699, put the secretary again in mind of our said petition of the preceeding August, and letter of the 29th of November.

The secretary by his letter of the 7th. of February 1699, signified, that he had presented our company's petition to his Majesty, and was commanded to let us know, that there being accounts, that the ships belonging to the company were arriv'd upon the coast of America, and the particular design not being communicated to his Majesty, he therefore delayed to give any answer, until he should receive certain information of their settlement.

Tho' we could not but be surpriz'd to find all our former addresses and petitions, about matters of such weighty concern, as are above narrated, answered, after so long delay, only with a seeming charge, for not having communicated to his Majesty a thing that was never in the least demanded of us, by either the King, Parliament, Privy Council, or ministers of state, we being limited to settle in the terms of the acts of Parliament, as we should be answerable: yet upon the very first advice we had of our colony's settlement in Caledonia, we by our letters of the 31st of March, and 1st of April 1699, gave a very full and dutiful account thereof to his Majesty, and to both the Secretaries of State, together with an account of the French designs thereabouts and of what import our said settlement (if duly protected) might prove to the interest and security of all his Majesties dominions, and referred the same, together with the contents of our former petitions, to his Majesties royal consideration.¹⁹

About this time it was, that his Majesty was pleased to call the president of the session, and the advocat to court,²⁰ to the end (as we understood) that they, jointly with both the Secretaries of State, might in a

¹⁶ *Full and Exact Collection*, pp. 27-28. Bruntisland is on the Firth of Forth, 8 miles north of Edinburgh.

¹⁷ From Alexander Stevenson, the company's agent there. *Ibid.*, pp. 29-31.

¹⁸ *Ibid.*, pp. 31-34, for this correspondence with the secretary.

¹⁹ *Ibid.*, pp. 34-39.

²⁰ Three memorials were presented to the king by these officers. *Ibid.*, pp. 41-74.

conference with several of the English ministers, satisfy his Majesty, as to the legality of our company's settlement: which (by all that ever we could learn) was then (and otherways since that time) made clear beyond all manner of dispute.

But while in the mean time, we were pawning even our own particular credits, for sending the needful supplies of ships, men, provisions, arms, ammunition, and other necessities, for securing so valuable a settlement to this nation, we were astonished to have advice. That by orders from England in January 1699, proclamations had been emitted, in the months of April and May, over all his Majesties plantations and territories in America, strictly intercommuning our colony, under very severe penalties to be inflicted on the contraveeners of these proclamations, in regard his Majesty (as these proclamations narrate) was unacquainted with the intentions and designs of the Scots settling at Darien.²¹

As we humbly considered these proclamations to be such, as were never before published in those parts against any other people upon earth, and of so barbarous a nature, as we thought, no good Christians would put in execution, even against infidels; so finding our selves unquestionably warranted by all laws humane and divine, we persisted in our endeavours for maintaining that settlement, as hoping, that, through means thereof, this nation might in time, have an opportunity of raising it self above the open contempt, reproach and insults of its unkind neighbours, and of propagating the Gospel amongst the ignorant good natur'd Indians of those parts.

But before our recruits could possibly arrive at Caledonia, our colony got certain accounts of those proclamations, and finding at the same time; the sad effects thereof, by being denied any the least help, either for goods or money, at Jamaica, from whence they had formerly supplies; and that in the proclamation issued by Sir William Beston, governour of that island, he had positively declared, that by their settlement in Darien, they had actually broken the peace entredinto with his Majesties allies (which they believed he durst not venture to have done without a sufficient warrant) and finding themselves thereby to be of consequence declared pirates, without any previous summons or hearing, contrary to the customs and common usage of all nations, even in the case of real piracy, and founding a belief, at the same time, on the treatment which they knew our company had formerly met with in Europe, without being redress'd therein, that we were not in a condition either to supply or protect them, they unhappily took the alarm, under such a general consternation, as devested them not only of all manner of patience to struggle with any inconveniencies they lay under at the time, but also of all manner of prudence, in taking any reasonable measures either for their own security, or for our company's interest. In the midst of which confusion those of them who had any bad designs (as we could not well suppose such a number to be free of some) made use of these proclamations as handles, by which to perpetrate their own several ends, and easily per-

²¹ *Ante*, p. 343, note 114. The proclamations, issued by Beeston, Grey, and Bellomont, are printed, *ibid.*, pp. 77-84; and see also *Am. Hist. Rev.*, X. 812-815.

swaded all the rest to leave the settlement: which they unadvisedly did the 20th of June last; and by that means not only have the ships, men and goods, which were there at that time, been exposed to the arbitrary will of those to whom the execution of those proclamations was given in charge, but even all our subsequent measures brought into inevitable disorder.

Upon information of all which, we did, by our humble petition to his Majesty of the 19th. of October 1699,²² in all humility and earnestness, beg, that his Majesty would in his fatherly care for the good of our company in particular, and of the nation in general, be graciously pleased to give special testimonies of his Majesty's royal protection to our company at that juncture, and particularly to take off the force and effect of those proclamations which have been so prejudicial to us, and to signify his royal pleasure to the governours of his plantations in America, that our colony might be supplied in the common and ordinary way of commerce, as those of other nations are; and that in the mean time his Majesty would be graciously pleased to allow the Estates of Parliament to meet at the day appointed in November last, or as soon as conveniently may be, to the end that their advice and assistance might be had in such a weighty and general concern.

We likewise by our humble address to his Majesty's most honourable Privy Council of the 20th of October 1699.²³ represented what we thought in duty and prudence necessary, with relation to the contents of our said petition to his Majesty, humbly referring the whole to their Lordships most serious consideration, and praying that they would be pleased to do us all the good offices with his Majesty that they'd think most expedient for supporting our company and colonys interest; and to give him an account of our company's hard circumstances, and how much the honour and interest of the nation stood concern'd therein.

His Majesty was graciously pleased, by his royal letter to us of the 2d of November 1699,²⁴ to declare that he did very much regret the loss which the kingdom and the company had lately sustain'd, that he would upon all occasions protect and encourage the trade of the nation. That he would take care that his subjects of this kingdom should have the same freedom of trade and commerce with his English plantations that ever they had formerly, and that he would order the Parliament to meet, when he'd judge that the good of the nation would require it.

But, in some short time thereafter, while we were solacing our selves with the hopes of having his Majesty's protection, not only as a company established by his royal authority, with the advice and consent of Parliament; but also as subjects, making all the preparations we could to send the needful supplies and advices to those who were last sent for repossessing the same settlement: we were further astonished to have advices, that, by second orders from England, another fleece of proclamations had been emitted, over all the English plantations in America,

²² *Full and Exact Collection*, pp. 84-87.

²³ *Ibid.*, pp. 88-91.

²⁴ *Ibid.*, pp. 87-88.

particularly on the 5th of September last, in Barbados, etc.²⁵ And that in compliance with the intent of these proclamations, our people that went along with the *Rising-Sun*,²⁶ were in November last, positively denied wood and water at Monserat, a privilege never before denied to any other nation: and by a letter of the 29th of January last from the commander of another of our company's ships, we are assured that they were positively denied anchoring at St. Christophers by the governour, Colonel Norton, who out of his own mouth declared to the commander of our said ship, that he did it by new orders which he had received about a month before; altho, at the same time, two Dutch ships were then watering there; which we have since confirmed to us by letters from Mr. Daniel Mackay one of the councillours of our colony,²⁷ dated at Port-Royal in Jamaica the 13th. of February last: by which letters, he informs us likewise, that when he waited upon the governour of that island, concerning our company's ship the *St. Andrew*²⁸ lying in that harbour, the governour declared to him, that tho the said ship were fitted for going to sea, he would not suffer her to go, without a special order from England for that effect.

We likewise humbly beg leave to inform your Grace, and right honourable Estates, that amongst our company's many other losses and misfortunes, a ship called the *Dolphin*²⁹ loadned with a valuable cargo, belonging to our company, struck unfortunately on a rock, by which she sprung a leak, and being forc'd to run a shore under the walls of Carthage, to escape shipwrack, the said ship and goods were by the Spaniards (his Majesty's allies) violently seized and disposed of as prize, and the men also to the number of 30 and a boy, detain'd and made close prisoners, not only contrary to the law of nations, (we being then in profound peace with them) but also contrary to the express terms of the 10. and 11. articles of the treaty concluded at Madrid the 8/18 day of July 1670,³⁰ between the crowns of Great Brittain and Spain.

²⁵ *Ibid.*, p. 83; *Cal. St. P. Col.*, 1699, p. 421.

²⁶ Capt. James Gibson, commander, and sailing from the Clyde. Instructions concerning this vessel are given in Insh, *Darien Papers*, pp. 55, 183-190. The complaints here made are confirmed by Rev. Francis Borland, one of the ministers accompanying the expedition, in his *Memoirs of Darien* (Glasgow, 1715), pp. 29-30. This vessel never returned to Scotland, being dashed to pieces in a hurricane off Charleston, S. C., with the loss of 112 lives. Barbour, *Wm. Paterson and the Darien Co.*, p. 153; Mrs. St. Julien Ravenel, *Charleston, the Place and the People*, pp. 35-36.

²⁷ While fishing for sharks between Jamaica and Darien, Mackay was thrown into the water and was never again seen. Barbour, *op. cit.*, p. 157.

²⁸ Capt. Robert Pennycook (Pennicuik), formerly a surgeon in the English navy, commander. His Journal of voyage from the Madeira Islands to Darien is printed in Insh, *Darien Shipping Papers*, pp. 78-97. Because of "undue correspondence with several persons . . . concerning the colony's proceedings and circumstances", he was, Oct. 20, 1699, ordered to be dismissed from all offices and commands, "with disgrace and infamy". *Ibid.*, pp. 188-189.

²⁹ Commanded by Capt. Robert Pinkerton. He and his officers were condemned to death in Spain as pirates, but through the intervention of King William were set free. The crew of the *Dolphin* were impressed into Spanish service in the Indies. Barbour, *op. cit.*, pp. 108-109; Burton, *Darien Papers*, pp. 102-112.

³⁰ See document no. 65 in Davenport, *European Treaties*, II. The articles here invoked stipulated that in case any of the subjects of either country with their shipping be forced through stress of weather, pursuit of pirates, or shipwreck, to find shelter in any port in America belonging to the other, that such persons should in no manner be detained as prisoners, but that on the contrary all assistance and relief should be given, and that letters of safe conduct be given them.

By our dutiful address of the 4th of November 1699, we humbly petition'd his Majesty, that he would be graciously pleased to take those proceedings of the Spaniards into his royal consideration, so as that speedy and effectual measures might be taken for the redress of those dammages, and the freedom of these distressed prisoners.⁸¹

In answer to which, his Majesty was graciously pleased by his royal letter of the 10th of January last, to signify, that he was resolved in the terms of the treaties to demand from the King of Spain, that these prisoners should be set at liberty.⁸²

Yet some of the most considerable of these prisoners being transported above half a year ago to old Spain, we have frequent advices from them by letters, dated in Cadiz-prison, that they and all the crew have been most barbarously used, and that they themselves are still kept close prisoners, under very severe treatment; copies of which letters we have some months ago transmitted to the Secretaries of State.

By all which, it cannot but evidently appear to your Grace and right honourable Estates, that tho' we have all along us'd our best endeavours to wrestle through these almost unsurmountable difficulties, and exerted even our outmost efforts for retrieving our losses, as much as possible by endeavouring to repossess and maintain so valuable a settlement; and tho' we have certain advices of its being repossess'd by our people, and that we have taken all imaginable measures for their present supply: yet we have too just ground to be fully perswaded, that unless the King and High Court of Parliament, do speedily support, protect, and assist us, in the prosecution of our company's lawful designs, that all our past, present, and future endeavours must, to the nation's indelible reproach and dishonour, as well as to its and the company's unspeakable and irreparable loss, prove unavoidably abortive.

May it therefore please your Grace and right honourable Estates, to take the several matters of fact above-mentioned, into your most serious consideration; to vindicate, support, and protect us in the enjoyment of our lawful privileges, both as a company, and as subjects of this free and independent kingdom, to take such measures, as you (in your profound wisdom) may judge most effectual, for repairing the many dammages we have already sustain'd, and for assisting us in the further prosecution of our company's lawful designs; but more especially for the maintenance of our just right and title to the settlement of Caledonia, and the enjoyment of such advantages as (if duly protected) may probably arise thereby:

Sign'd at Edinburgh the 16th day of May 1700. In name, presence, and by warrant of the said council-general by, MARISCHALL.⁸³ I. P. C. G. (*A Full and Exact Collection of All the Considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters, and other Publick Papers, relating to the Company of Scotland Trading to Africa and the Indies , 1700, pp. 108-124.*)

⁸¹ *Full and Exact Collection*, pp. 92-95.

⁸² *Ibid.*, pp. 100-102.

⁸³ William Keith, earl Marischal, president of the council general of the company.

May 27. Petition for the heritors of the sherifffdom of East Lothian presented by the barons representing the said shire was read in Parliament whereby they craved to assert the Indian and African Companys right to their colony of Caledonia which has been and still is unjustly called in question and to give support to it (*A. P. S.*, X. 194-195; Appendix, p. 36.)

May 27. Petitions from the shires of Roxburgh, Lanerk, Stirling, and Perth and from the burghs of Haddingtoun, Coupar, and Dunbar all craveing that effectuall methods may be taken for asserting and vindicating the companys right to the colony of Caledonia and relateing to the other affairs therein mentioned being all presented by the barons and burghesses representing the said several shires and burghs were all read. (*Ibid.*, p. 195; Appendix, p. 37.)

May 27. To his Grace his Ma'ties High Commissioner and the Right Honorable the Estates of Parliament the humble address and petition of the heretors of the shirrefdom of East Lothian.

That whereas after a long and expensive war we expected to have enjoyed the blessings of a happily concluded peace by the re-establishing of our forreign trade encouraging of home manufactures imploying of the poor in the improvement of our native product, and the lessening of our publick burdens.

But instead thereof to the unspeakable loss and almost ruine of the nation we find our trade abroad sensibly decayed and our coin carried out by the importation of commodities from places where ours are prohibited. . . . and more especially our Company trading to Africk and the Indies meets with so much opposition from abroad, and gets so little support at home, that after so great a loss of men and expence of treasure their settlement in Caledonia may now too probably a second time fall under the same unlucky circumstances, as at first, if not prevented. . . .

May it therefore please your Grace and the Right Honorable the Estates of Parliament to take some effectual course to assert the Indian and African Company's right to their colony of Caledonia, which has been and still unjustly is called in question, and to give such support to it as may encourage the adventurers to go on with an undertaking, which if vigorously pursued may tend so much in the future to the wealth, honour and interest of the nation³⁴ (*Ibid.*, Appendix, pp. 36-37.)

May 27. To his Grace his Majesties High Commissioner and the Right Honourable Estates of Parliament the humble addresse of the shyre of Roxbrugh.

Representeth that wheras his Majestie is graciously pleased to call together the present Parliament to consult and determine in all affairs tending to his Majesties honour and the good and advantage of this his antient kingdome, doe in all submissione represent to his Grace and Estates of Parliament the following particulars *Quarto*, that dew encouragement be given to trade by granting large immunities to manufacture the product of the nations both for our own use and for the service of our collonie of Caledonia and for the export therof to other places.

³⁴ The names of 44 signers are given.

Quinto, that some speciall marke of favour and kyndness be conferred upon the company tradeing to Affrica and the Indies, wherby they may be enabled to establish and support ther collonie of Calledonia as being that branch of our trade wherin the credite and interest of this whole natione is most universally concerned . . .

May it therefore please your Grace and honourable Estates of Parliament to fall on such suteable wayes remedies and means for ordering rectifieing and redressing the premises as in your wisdoms shall be judged most proper and effectuell being what we humbly conceive most conducing to his Majesties honour and greatness and to the credite interest and trade of this kingdome in generall and to this our shire in particular. . . .⁸⁵ (*A. P. S.*, X., Appendix, p. 37.)

May 27. Unto his Grace his Majesties High Commissioner and the Right Hono'l the Estates of Parliament the representation of the commissioners of the shyre of Lanerk.

Humbly sheweth, that wheras we have for a considerable tyme essay'd to restrain idleness and begging within this shire, and to provide for the poor in ane orderly way, according to law. . . . Nevertheless all our endeavours have not hitherto had the desired success and effect. And that . . . by the great discouragements our manufactories and trading companys have so frequently met with, and more particularly the Company tradeing to Affrica and the Indies.

May it therefore please your Grace, and right hono'll Estates of Parliament to find out effectual means wherby the former good laws made anent the poor may with due strictness be punctually put to execution and the kingdom releived of growing beggary and idleness, to which as well as to the nations wealth, freedom and honour, we humbly conceive nothing can contribute more than that the nations right to their forrain plantation in Caledonia be asserted and vigorously supported . . . Signed by warrant and in presence of the commissioners this seventh of May 1700 at Hamilton by J. HAMILTON. I. P. C. (*Ibid.*, Appendix, p. 38.)

May 27. Unto his Grace his Majesties High Commissioner and the Right Honourable the Estates of Parliament the representation of the heretors of Sterlingshyre.

Humbly sheueth that wheras by the generall calamity in all places of the kingdome, through the unusuall scarcity by very bad cropts, and the sensible decay of trade both at home and abroad many are reduced to extream poverty, the woefull instances of which are too evidently seen amongst us by the great multitudes of our poor people, whom, notwithstanding the severall laudable acts to that purpose, we can neither make any wayes subsist nor yet repress their dayly encreasing numbers, and seing nothing can more effectually contribute to the preventing the nations sinking under its present miseries and burdens than the encouradging manufactories at home, and laying doun methods for improving our foreign trade to the best advantage that soe the wealth of the nation may encrease and the multitude of poor people may be employed profitably, both which ends, we humbly conceive can be most successfully obtained in

⁸⁵ There are 39 signers.

the vigourously maintaining and effectually supporting of the Company trading to Africa and the Indies, and their rightfull and lauffull settlement in Caledonia, the doing of which, the honour of this nation which seems to be attacked and soe much encroached upon by the repeated discouragements and obstructions that company hes met with, does soe loudly call for, and the interest of this nation which can be most readily promoted by the advantages arising from such a foreign settlement does soe pressingly requyre.

May it therfor please your Grace and the right hono'll the Estates of Parliament to take the premisses to your serious consideration and to find out effectuall methods for encouradging manufactories at home, and promoting of trade abroad and in a special manner for vigourously supporting the Company trading to Africa and the Indies, and their colony settled in Caledonia, that soe the honour and independance of this nation may be clearly vindicate and asserted and the interest of the whole kingdome in that company may be fully secured and provyded for . . . ³⁶ (*Ibid.*, Appendix, p. 38.)

May 27. Unto his Grace his Majesty's High Commissioner and the Right Hon'ble the Estates of Parliament the representation of the heritors of Perthshyre.

Humbly sheweth that we haveing these several years past suffered extremely, by the callamities of war and lykewayes by very bad cropts, which has reduced many of our people to the last degree of poverty . . .

And being sensible that nothing could conduce more to the flourishing of our nation and to relieve us under these hard circumstances to which we are reduced then the advancement of trade, we no sooner had the encouragement of his Ma'ties gracious promises, acts of Parliament, and letters patent, for enableing the nation to cary it on but to demonstrate our zeal for the weell of our native country we closed with these proposalls which were made for opening of trade to Africa and the Indies and contributed to the outmost of our powers for carying on soe good and great a work; what has been the hinderances and obstructions to that trade we think it unnecessary to trouble your Grace and the hon'ble Estates of Parliament with, these being so weell known to his Ma'tie and to the honourable Estates of Parliament by the several addresses, petitions and representations made by the councill of the Company tradeing to Africa and the Indies.

And seing we have his Ma'ties repeated promises for encouraging of trade, as alsoe his letters patent and acts of Parliament establishing the African and Indian Company; and lykewayes the address of the last session of this Parliament, to his Majesty in favours of the said company, as alsoe his Ma'ties gracious acceptance of our late petition for the meeting of the Parliament, wherin his Ma'tie expects that the sentiments of this nation as to the African and Indian Company will be known, from all which we are encouraged to intreat,

That it may please your Grace and the right hon'ble the Estates of Parliament, to take the premises to your serious consideration, and to

³⁶ There are 75 signers.

find out effectuall methods for asserting the honour and independency of this kingdom which our prediceffors have hitherto mentained for so many ages, and which now seems to be soe much incroacht upon by the repeated and great discouragments to our rightfull and lawfull collony of Caledonia. . . . ⁸⁷ (*A. P. S.*, X., Appendix, pp. 39-40.)

May 27. To his Grace his Majesties High Commissioner and Right Honourable the Estates of Parliament the humble address and petitione of the magistrats and toun counsell of the burgh of Hadingtoun in name of the communitie theirof.

That wheras efter a long and expensive warr we expected to have injoyed the blessing of a happily concluded peace by the reestablishing of our forraigne trade

But instead theirof to the unspeakable loss and allmost ruine of the nation we find our trade abroad sensibly decayed and more especially our company trading to Affrick and the Indies meets with so much opposition from abroad and gets so little support at home that efter so great a loss of men and expence of treasure their settlement in Caledonia may now too probably a second tyme fall under the same unlucky circumstances as at first if not prevented. . . .

May it theiirfor please your Grace and the right honourable the Estates of Parliament to take some effectuall course to assert the Indian and African Companies right to their colony of Caledonia which hes been and still unjustly is called in question, and to give such support to it as may encourage the adventurers to goe on with ane undertaking which if vigorously persewed may so much tend in the future to the wealth honour and interest of the nation. . . . And your petitioners shall ever pray.⁸⁸ (*Ibid.*, Appendix, p. 40.)

May 27. Unto his Grace the Duke of Queensberrie his Majesties High Commissioner and Right Honorable Estates of Parliament the humble address and petitione of the magistrats and tounne counsell of the burgh of Cupar in name of the community.

Humble sheweth that where after the conclusion of a happy peace amongst the rest of our misfortunes we cannot but be sensible of the frequent discouragements our colony of Caledonia has been trysted with notwithstanding of a plane act of Parliament and his Majesties letters patent in their favors.

May it therefor pleas your Grace and the right honorable Estates of Parliament to protect and assist our colony at Caledonia repair their loss and assert the nations priviledges. And your petitioners shall ever pray etc.⁸⁹ (*Ibid.*, Appendix, p. 41.)

May 27. To his Grace his Majesties high Commissioner and Right Honourable the Estates of Parliament the humble address and petition of the magistrats and toun counsell of the burgh of Dunbar, for and in the name of the community therof.

That wheras after a long and expensive warr we expected to have enjoyed the blessing of a happilie concluded peace. . . .

⁸⁷ There are 222 names appended.

⁸⁸ Signed by 16 names.

⁸⁹ Twenty-five names are appended.

But instead therof our Companie tradeing to Africke and the Indies, meets with so much opposition from abroad, and gets so little support at home, that after so great a loss of men and expenss of treasure ther settlement in Caledonia may now too probable a second tyme fall under the same unlucky circumstances as at first if not prevented. . . .

May it therfor please your Grace, and the right honorable the Estates of Parliament, to take some effectuall course to assert the Indian and African Companies right to ther colony of Caledonia which hes been and still unjustly is called in question, and to give such support to it, as may encourage the adventurers to go on with ane undertakeing which if vigorously persewed may so much tend in the future to the wealth, honor and interest of the nation⁴⁰ (*Ibid.*)

May 27. Moved that there be an resolve of Parliament that our colony of Caledonia in Darien is a legal and rightfull settlement in the terms of the act of Parliament one thousand six hundreth and ninety five years, and that the Parliament will maintain and support the same, and that there be an act brought in the next sederunt accordingly, which motion being produced in writeing was read. (*A. P. S.*, X. 195; Appendix, p. 42.)

May 30. His Grace his Ma'ties High Commissioner made a speech to the Parliament.

My Lords and Gentlemen,

I am troubled with such a cold and hoarsness, that not being able to speak much, nor in a condition to stay any time here; I shall therefore only tell you, that as I was ever firm and faithful to my king, so I was ever zealous for the honour and interest of my countrey: and at this time I hop'd to have done acceptable service to both. For I can boldly say, that I have power and instructions, for every thing that appear'd necessary or convenient for the good and advantage of the nation, as to their religion, property, liberty, trade, and particularly what could be of most solid use to our African and Indian Company. But several things have occur'd, wherein I find myself oblig'd to consult his Majesty, and so of necessity must adjourn for some days.⁴¹ (*Ibid.*, Appendix, p. 42.)

Session of October 29, 1700–February 1, 1701 (12 Gul. III.).

1700.

Oct. 29. The kings most gracious letter to the Parliament presented by his Majesties High Commissioner read, and ordered to be recorded of which the tenor followes.

Sic suprascribitur WILLIAM R.

My Lords and Gentlemen

We have considered the address you made to us in the session of Parliament, 1698, in behalf of the African Company representing the same

⁴⁰ There are 14 signers.

⁴¹ That evening many members of Parliament met and signed an address to the king, protesting against this interruption and asking for an early meeting. The replies were so unsatisfactory to the friends of the company that they framed a national address to be signed by the several shires and burghs throughout the kingdom. When this was presented on Nov. 16, the king refused to take any notice of it because Parliament was again in session. *Full and Exact Collection*, pp. 126-137.

as a national concern and do assure you that we are very willing to assent to what shall be reasonably proposed for repairing the losses and supporting and promoting the interest of that company, and haveing ever reckoned the ease and prosperitie of our good subjects our greatest honour and happiness we are likewayes most willing to agree to all that can be demanded for maintaining and advanceing the peace and wellfare of the kingdom.

And that you and all our good subjects may have full and satisfieing assurance of this our good mind, we again declare that we are resolved to give our royal assent to all acts that shall be offered for the regulating and advanceing of trade and more especially for makeing up the losses and promoteing the concerns of the African and Indian Company

It is truly our regrate that we could not agree to the asserting of the right of the companies colony in Darien and you may be very confident if it had not been for invincible reasons, the pressing desires of all our ministers with the inclination of our good subjects therein concerned had undoubtedly prevailed. But since we were and are fully satisfied that our yeilding in that matter had infallibly disturbed the general peace of Christendom and brought inevitably upon that our ancient kingdom a heavie war, wherein we could expect no assistance, and that now the state of that affair is quite altered, we doubt not but you will rest satisfied with these plain reasons.

We are heartily sorrie for the companies loss in what hath happened, but we being most willing that the companies loss be repaired and ready to concurr in any new project or design that shall be reasonably proposed for the good and advantage of the kingdom, we are most confident the wisdom of the Parliament will no longer stop upon this obstruction. Haveing then this happy opportunity for the promoveing of the good and wellfare of the kingdom you will certainly lay hold upon it.
(*A. P. S.*, X. 201.)

Oct. 29, Then his Ma'ties High Commissioner made his speech to the Parliament.

My Lords and Gentlemen,

At our last meeting, I told you that I was instructed by his Majesty in every thing that could appear necessary or convenient for the interest of this kingdom, and of solid use to the Indian and African Company.

You have ample assurances renewed to you since that time, that his Majesty retracts nothing that was then designed for the welfare and satisfaction of his people, as he has plainly exprest in a letter to his Privy Council,¹ published by his special order, that all his Majesties good subjects might have the advantage to understand, and leasure to reflect and consider on the present state of affairs, and that you might come together with a cheerful disposition, to give his Majesty just and full concurrence in what is laid before you.

¹ July 26, 1700. Printed as a foot-note in original.

His Majesties most gracious letter which you have heard read, does clearly confirm all that was formerly offered, or can be reasonably proposed to make you happy.

It is with regrate the king tells you that he cannot agree to assert the right of the Indian and African Companies collony in Darien, he perfectly knows the earnest desire of these concerned in it, and of many others of his good subjects, and does his servants justice in that matter.

His Majesty would certainly have granted what was so pressingly desired, had he not known that his yielding that point must have disturbed the peace of Europe, and ingaged us in a war, in which he could expect no support.

The circumstances of that affair are so much altered, that you cannot but be convinced it is unnecessary at present to assert that right; and the insisting upon it may obstruct things of more value, both to the nation and company.

It may be the endeavour of some in the nation, who are disaffected to the government of the Church and State, to influence you to press the asserting the right of the collony; and the more they see his Majesty straitned betwixt his inclinations to satisfie the company, and his care to preserve the peace of Christendome, the more they will urge you to it.

It must therefore be highly suitable to the wisdom of this Parliament, to be aware of such artifices, and to apply themselves to disappoint any advantage our enemies at home or abroad may make use of the least appearance of difference amongst us.

For this reason I cannot doubt but you will unanimously proceed to these things that are more valuable, and intirely in your power. . . .

And his Majesty is also willing that you proceed to such laws as may advance the trade and welfare of the kingdom, particularly the true interest of the Indian and African Company (*Ibid.*, Appendix, pp. 43-44.)

Oct. 29. Therafter the Lord Chancellour² made his speech to the Parliament. . . .

My Lords and Gentlemen

The many cross providences which the African and Indian Company has meet with in the prosecution of its designs, with the great loss both of men and treasure, which has been the event of the companies attempt, for settling a colony in the province of Darien, have much disturbed and perplexed the minds of many, and it is too evident, that there are not wanting some who would raise and foment jealousies in well-meaning people of our sovereign the king, as if he were not enough concerned to protect and assist this nation in what relates to its trade.

I would intreat you to take heed how you harbour so bad a guest as jealousy is, it is apt to darken the understanding, and to disturb the motion of the mind, it will create fear where no fear is, and no ground for it, I pray you beware of it. . . .

There is one thing which has made a difference of opinion amongst us, some would have an act asserting the right of the company to the colony,

² Sir Patrick Hume, or Home, earl of Marchmont.

which it planted upon Darien. In this matter the king has been much straitned, and has declared to you with regrate, that he cannot agree to the asserting a right to that colony, and that for invincible reasons, which his Majesty is pleased to communicate to you.

That it would infallibly disturb the general peace of Christendom, and bring inevitably upon this kingdom a heavy war, wherein we could expect no assistance. This is very evident, for the power of the Spanish monarchy, and of those concerned in the support of it, would be united against us, and we in all appearance left to our own strength, without expectation of any assistants.

Besides, we are to consider, that the company has not now the colony in possession to support and maintain, but to recover by force of arms, and we have good reason, this kingdom having so lately come off from a great and long war, to take notice in what condition and preparation the nation is to engage in a new one, and what assistance we may expect.

These plain reasons, I do not doubt, will satisfie all these who are satisfiable, and not too indifferent of keeping up a mutual trust and confidence betwixt his Majestie and his people and Parliament. . . . (*A. P. S.*, X., Appendix, pp. 43, 44, 45.)

Nov. 8. Moved that after the laws for secureing religion the affair of Caledonia be taken into consideration: also moved that the kings letter to the Parliament be again read, and the same was read accordingly; and a debate ariseing anent the order in which the affair of Caledonia is to be considered it was proposed that there be a resolve of Parliament that after the laws for regulating of trade as to export and import the important business of the Indian and African Company and Caledonia should be taken into consideration and the Parliament to give their sentiment upon it nothing interveening; and a vote craved approve the resolve or not; it was proposed by others that a certain fixt day be appointed for considering the affair of Caledonia and a vote also craved thereon; and the question being stated whither the vote should be approve the resolve or not, or fix a day or not, carried approve the resolve or not.

And the forsaid resolve being again read in Parliament, it was put to the vote approve or not and it carried approve *nemine contradicente*. (*Ibid.*, p. 208; Appendix, p. 48.)

Nov. 16. His Majesties High Commissioner and the Estates of Parliament haveing heard the title of an pamphlet read called A Defence of the Scots abdicating Darien Including an answer to the defence of the Scots Settlement there, and of an other pamphlet intituled A Vindication of the said former pamphlet³ and also the title of a third pamphlet or scurrilous lampoon called Caledonia or the Pedler turned merchant,⁴ and some parts of the said several pamphlets being read, and finding the same to be blasphemous scandalous and calumnious libells reflecting upon every thing that is sacred and upon the honour of this nation, they therefor ordained and ordains the said three pamphlets to be brunt by the hand of

³ Both printed 1700.

⁴ "A tragi-comedy, as it was acted by His Majesty's subjects of Scotland, in the King of Spain's province of Darien" (London and Westminster, 1700).

the common hangman of this city of Edinburgh at the mercat cross ⁵ therof on Munday next at twelve a clock at noon and hereby require the magistrats of this city to see and cause this order to be put to due execution.

The Parliament being informed that one Walter Herreis chirurgeon who went with the companys first ships to Darien is author of the first two of the said pamphlets, they appoint him to be taken into custody wherever he can be apprehended within this kingdom and ordain the sum of six thousand pounds Scots of reward to be payed by the Lords Commissioners of his Majesties Thesaury to any who shall apprehend the person of the said Walter Herreis and deliver him to any magistrat within this kingdom in order to be tryed and brought to justice, and recommends to the Lords of Privy Councill to publish a proclamation thereanent; and also recommends to the Secretaries of State to represent to the king the Parliaments proceedings in relation to the said Walter Herreis that his Majestie may be pleased to testifie his displeasure against him. (*Ibid.*, pp. 211-212; Appendix, p. 51.)

Nov. 18. Draught of an act prohibiting the transporting of the subjects of this kingdom to forraign plantations read, and remitted to the committie for security of thè kingdom.⁶ (*Ibid.*, p. 212; Appendix, p. 52.)

1701.

Jan. 7. . . . Moved that by a former resolve of Parliament of the date the eight of November last the regulation of the export and import and the business of Caledonia must be first considered in Parliament nothing interveening; and the said resolve being read a motion was made for another resolve that the business of the African and Indian Company and Caledonia come in the next sederunt . . . which motion being read it was put to the vote agrie to the same or not and carried agrie. (*Ibid.*, p. 241; Appendix, p. 73.)

Jan. 9. Representation and petition of the council general of the Company of Scotland tradeing to Africa and the Indies craveing his Majesties High Commissioner and the Estates of Parliament to take the contents therof and of their former petition therein mentioned to their most serious consideration to take such effectual measures as they should think fit for asserting and vindicating the companys right both abroad and at home for enableing them to prosecute their lawfull undertakeings for procureing reparation from the Spaniards and others for the damages sustained, and for preventing the like encroachments for the future, read.⁷

Moved that the petition from the councill general of the said company which was presented in Parliament on the twenty seventh day of May last and to which the petition now offered does relate, may be also read and the same accordingly read. (*Ibid.*, p. 242; Appendix, p. 73.)

Jan. 9. To his Grace, his Majesty's High Commissioner, and the right honourable the Estates of Parliament.

⁵ Market cross, near the cathedral, Edinburgh; see vol. I. of this series, p. 436, note 3.

⁶ Not further reported.

⁷ The full text is given in the next entry.

The humble representation and petition of the council-general of the Company of Scotland trading to Africa and the Indies.

May it please your Grace and right honourable Estates,

Whereas, by our former petition, of the 16th of May last,⁸ we laid a representation of the then circumstances of our company's affairs, before your Grace and right honourable Estates: which being once read, and nothing done thereupon, we now humbly intreat, that the same, still lying in the clerks hands, may, at this time, be again read and considered in Parliament: and do further represent, that, since that time, we have the melancholly assurance of what we then feared from the constant course of our discouragements, that the Governour of Carthagera,⁹ for the King of Spain, his Majesty's ally, has, from the unneighbourly instigation of those, from whom we ought more reasonably to have expected assistance, been encouraged to make an attempt for dispossessing our colony of Caledonia; and in order thereunto, blockaded them up by sea, and attacked them by land, in the time of profound peace, and that some of our said colony being too easily frighten'd, by their apprehensions of those evil consequences that they thought must necessarily have attended the many discouragements, and want of protection which we labour'd under all along, have unwarrantably taken upon them the power to surrender our company's said settlement to the Spaniards, to the unspeakable loss and great dishonour of the nation, and that the West-India proclamations, mention'd in our former petition, being still as much in force and rigorously executed, as ever, against us, we could not all this time, nor cannot as yet, expect the liberty even of carrying off our ships, that are lying perishing at Port-Royal in Jamaica, and Amboy-Perth in East-Jersey without your interposition on our company's behalf, for procuring to us warrants from his Majesty, directed to the respective governours of those parts for that effect;¹⁰ especially since the Governour of Jamaica has, at several times, and to several persons, declared, that he will not part with our company's ship the *Saint-Andrew*, without a special warrant from England, and that all our solicitations to the Secretaries of State for that end, have hitherto proved ineffectual. And we cannot but likewise represent to your Grace and right honourable Estates, how that the want of due protection to our company all along, and the continued tract of encroachments upon its privileges abroad, without any redress therein, has encouraged some persons to break in upon the privileges of our company even at home.

⁸ Presented May 27 (*ante*).

⁹ Don Juan Pimentá. For documents relating to the capitulation to the Spaniards, see Burton, *Darien Papers*, pp. 252-253; *Cal. St. P. Col.*, 1700, p. 207; Borland, *Hist. of Darien* (1715), pp. 68-70.

¹⁰ Of the five vessels forming the first expedition, only the *Caledonia*, after a disastrous voyage to New York, returned to Scotland. The *Dolphin* was seized by the Spaniards at Carthagera; the *Endeavour* was lost at sea; the *St. Andrew* was allowed to go to ruins at Port Royal; and the *Unicorn* was abandoned at Perth Amboy, N. J. None of the four ships forming the second expedition returned home. The *Rising Sun* and the *Duke of Hamilton* were destroyed by a hurricane off Charleston, S. C.; the *Hope* was lost on the rocks of Colorados, Cuba; and the *Hope of Bo'ness* (Barrow-stounes) sprung a leak on the way to Jamaica, and was run into Carthagera where she was sold for a nominal sum to the Spaniards. Barbour, *Wm. Paterson and the Darien Co.*, pp. 127, 153; Insh, *Darien Shipping Papers*, pp. 113-128.

May it therefore please your Grace and right honourable Estates, to take the contents of this, and our former petition above-mention'd into your most serious consideration, to take such effectual measures, as in your profound wisdom, you shall think fit, for asserting and vindicating our company's rights, both abroad and at home, for enabling it to prosecute its lawful undertakings, for procuring reparation from the Spaniards and others, for the damages sustained, and for preventing the like encroachments for the future.

Signed at Edinburgh the 28th day of October 1700, in name, presence, and by warrant of the said council-general, by JOHN SCHAW. I. P. C. G. (*Full and Exact Collection*, pp. 142-144.)

Jan. 9. Petition the heretors of the shire of Midlothian subscribing therto craveing that measures may be laid down for executeing the many good laws already made and to make others that may be further necessary for regulating and advanceing of the trade of the nation, and to assert the undoubted right and title of the Indian and African Company to their plantation in Caledonia which hath been and still is unjustly called in question and to give such support to it as may encourage the adventurers to go on in an undertakeing tending so much to the wealth and honour of the nation, and to give relief to the countrey of so great a number of forces and redress the other particulars therein mentioned, read.¹¹ (*A. P. S.*, X. 242; Appendix, p. 73.)

Jan. 9. Petitions and addresses from the heretors thereto subscribing in the shires of Wigtoun, Air, Dumbartoun, Renfrew, Inverness, Nairn, Fife, Bamf, Elgine and Forres, and stuartry of Orkney; and also from the burghs of Perth, Dysart, Kirkcaldie, Anstruther Easter, Inverness, Craill and from the inhabitants of the city of Glasgow thereto subscribing; all craveing effectual methods to be taken for asserting and vindicating the companys right to their colony of Caledonia, and to be eased of the forces and relating to the other affairs respective mentioned in the said several addresses, being all presented by members of Parliament were read.¹² (*Ibid.*, p. 242; Appendix, p. 74.)

Jan. 10. The consideration of the affair of the Company of Scotland tradeing to Africa and the Indies again resumed and a proposal made that it be resolved that the votes and proceedings of the Parliament and their address presented to his Majestie in December 1 *M vi c* and ninety five in relation to ane act of this Parliament establishing our Indian and African Company and the address of the House of Lords presented to his Majestie in February last¹³ were ane undue intermeddling in the affairs of this kingdom and an invasion upon the sovereignty and independency of our king and Parliament; the resolve was read, moved that the address from the Lords and Commons of the Parliament of England presented in December 1 *M vi c* and ninety five with their votes and proceedings past at that time and also the address of the House of Lords pre-

¹¹ The petition in full, but with no variation in substance, is printed in *A. P. S.*, X., Appendix, pp. 73-74.

¹² These 18 petitions are given in full, with signatures, *ibid.*, pp. 74-86. The reference to the Darien Company in each is about the same as here stated.

¹³ *Ante*, pp. 138, 143.

sented in February last be all read and the same were accordingly read; thereafter the forsaid resolve being again read it was put to the vote approve the same or not and carried approve *nemine contradicente*.

Another resolve proposed in the terms following *viz.* Resolved that the memorial presented in his Majesties name as King of Great Britain to the senate of Hamburgh the seventh day of April 1 *M vi c* and ninety seven by Sir Paul Rycault then resident in that city and Mr Cresset his Majesties envoy extraordinary at the court of Lunenburgh was most unwarrantable containing manifest falsehoods and contrary to the law of nations injurious to his Majestie an open encroachment upon the sovereignty of this crown and kingdom the occasion of great losses and disappointments to the said company and of most dangerous consequence to the trade of this nation in all time comeing, read; moved that the said memorial given in by the said resident and envoy to the senate of Hamburgh be likeways read and the same was accordingly read, and after reasoning it was put to the vote approve the said resolve, or not, and carried approve *nemine contradicente*.

Another resolve proposed in these terms *viz.* Resolved that the proclamations emitted in the English plantations in April, May, June, and September 1 *M vi c* and ninety nine against our Indian and African Company and collony of Caledonia were and are injurious and prejudicial to the rights and liberties of the said company and that the execution of those proclamations against the adventurers sent out by the said company was inhumane, barbarous and contrare to the law of nations and a great occasion of the loss and ruine of our said colony and settlement of Caledonia, read. Moved that the proclamations emitted by the respective governours of the English plantations in the West Indies in the said moneths of April, May, June, and September 1 *M vi c* and ninety nine discharging all correspondence with any persons fitted out from Scotland, or to furnish them any provision or necessities whatsoever either in their own vessels or any other ships for their use may be all read and the same read accordingly: and a motion being made to add to the last part of the said resolve the words proclamations and their execution, after reasoning the question was stated add the said words or not, and carried in the negative, and the said resolve being again read it was put to the vote approve the same or not and carried approve *nemine contradicente*.

Another proposal made for a resolve that whoever have advised his Majesties answer to the address of the Parliament of England against our Indian and African Company in the year 1 *M vi c* and ninety five or have advised or promoted the injuries done to this nation by the Hamburgh memorial and proclamations in the West Indies are enemies to this kingdom and have done what in them lay to creat jealousies and animosities betwixt the two kingdoms and if subjects of this kingdom are traitours to the king and countrey and when discovered ought to be prosecute accordingly, read; and after some debate the presenter of the said resolve craved leave to withdraw it which was allowed.

Further proposed that there be a resolve in the terms following *viz.* Resolved that our Indian and African Companys colony of Caledonia in Darien in the continent of America was a legall and rightfull settlement

precisely in the terms of the act of Parliament and letters patent establishing the company and that the Parliament will assist and support the said company in the lawfull prosecution of their right thereto as holding of the crown of this kingdom, read, and the farder consideration thereof adjourned. (*A. P. S.*, X. 242-243; Appendix, p. 87.)

Jan. 13. Moved that the proposall for an resolve asserting the companys right to their colony of Caledonia mentioned in the minuts of the tenth of January instant be again read and the same was accordingly read.

Another resolve proposed in these terms *viz.* Resolved that our Indian and African Companys colony of Caledonia in Darien in the continent of America was a legal and rightfull settlement conform to the act of Parliament and letters patent establishing the said company: and that the company in makeing and prosecuteing the said settlement acted warrantably by vertue of the said act of Parliament and patent and that therefor this present resolve with the three other resolves voted and past in this session of Parliament for vindicating the independency and sovereignty of this croun and kingdom and asserting the rights of the said company be laid by way of address from the Estates of Parliament before his Majestie for removeing and preventing all encroachments upon the independency and sovereignty of this crown and kingdom, and for assuring the said company of his Majesties royal protection and obtaining the proper remedies for reparation of their losses, read.

His Majesties High Commissioner made a speech to the Parliament upon the matter contained in the said resolve.

Moved that his Majesties letter to the Parliament presented the twenty-nynth of October last be read and the same accordingly read: also the minuts of the tenth of January instant, read, moved that the forsaid resolve mentioned in the said minuts being first presented ought to be first under consideration. And it being also moved that the resolve as containing the substance of the former be rather considered. It was alleadged that the resolve now offered is complex consisting of several parts which ought to be separatly considered and after reasoning the resolve following was proposed *viz.*

Resolved that our Indian and African Companys colony of Caledonia in Darien in the continent of America holding of the croun of Scotland was and is legal and rightful, and that the settlement was made conform to the act of Parliament and letters patent establishing the said company and that the company in makeing and prosecuteing of the said settlement acted warrantably by vertue of the said act of Parliament and patent: which resolve being read, it was put to the vote approve the same or no and carried approve, *nemine contradicente*.

Thereafter another resolve was presented that the several insults of the Spaniards upon our Indian and African Companys colony of Caledonia their seizeing and confiscating the said companys ship the *Dolphine* and cargo forced to run a shoar at Carthagena to escape shipwrack their barbarous usage of our men who were aboard of the said ship and condemning the most considerable of them to die as pirats; and their invadeing and dispossessing our colony of Caledonia were acts of open hostility contrary to the law of nations and to the express treaties betwixt the

crowns of Great Britain and Spain and that satisfaction ought to be demanded for the same: which resolve being read, it was offered to the consideration of the Parliament.

Moved that before this or any other new resolve can be entered upon, the second part of the first mentioned resolve given in this day ought to be considered and determined and a debate arising whither first to receive in the said new proposal in relation to the affair of Caledonia or to consider what is to be done anent the resolves already past; after reasoning the question was stated whither to proceed to hear what farther grievances in the affair of Caledonia the Parliament hath not given their sentiment upon or to consider what is to be done on the four resolves already voted; it carried to proceed first to consider what is to be done on the four resolves already voted. (*A. P. S.*, X. 244-245; Appendix, p. 88.)

Jan. 13, 14. Les lettres d'Edinbourg disent que le Parlement d'Ecosse reprit l'affaire de Darien le 13, et la poussa avec beaucoup de chaleur; on y proposa en 1er lieu de declarer que l'établissement de la compagnie à Darien est conforme aux loix du royaume, et à la teneur de l'acte du Parlement, et des lettres patentes de son établissement, que par conséquent la nation est engagée à la soutenir; et enfin qu'on devoit inserer cette résolution, et les autres dont jay parlé dans ma precedente, dans une adresse pour estre présentée au roy, au nom des Etats assemblez en Parlement, pour supplier sa Majesté d'empêcher à l'avenir les diverses entreprises qui ont esté faites sur la souveraineté et l'indépendance de la Couronne d'Ecosse; et la prier de faire donner satisfaction à la compagnie pour les pertes qu'elle a souffertes:

Le Duc de Queensbury Grand Commiss're du roy fit un discours à cette occasion, et représenta que le roy ayant desja explique ses sentiments sur l'affaire de Darien dans la lettre qu'il leur a escrite à l'ouverture de la séance, et communiqué les raisons quy l'empêchoient de pouvoir consentir à ce qu'on luy avoit demandé en faveur de la compagnie, il exhortoit le Parlement à se desister de cette resolution, et à profiter des offres avantageuses que sa Majesté leur faisoit, sans s'aheurter a cette malheureuse affaire; on fit lecture de cette lettre, et après quelques reflexions, on se contenta d'opiner sur la 1ere partie de la proposition, et ainsy l'établissement de la compagnie fut déclaré légitime. Un député fit dans le mesme moment une autre proposition qui resulte naturellement de la 1ere scavoir, que les insultes que les Espagnols ont fait aux Ecossois à Darien, et leur procédé contre l'équipage d'un vaisseau quy échoua proche Carthagène, quy furent condamnez comme pyrates sont contre le droit des gens, barbares et contraires aux traitez de paix, entre la couronne de la Grande Bretagne, et l'Espagne et que le roy doit estre prié d'en demander satisfaction.

Plusieurs députez qui virent bien où cette proposition les entraineroit la traverserent fort adroitement, enfin l'affaire fut renvoyée au lendemain. On reprit le debat et l'adresse dont jay dabord parlé fut resolue; mais on laissa tomber la derniere proposition.

Le Duc d'Hamilton et quelques autres firent tous leurs efforts pour déterminer le Parlement à passer ces resolutions en forme d'acte avant que de présenter l'adresse au roy, alleguant que cette demarche qu'ils faisoient rendoit tout leur procédé inutile; mais le sentiment opposé l'em-

porta de 21 voix. Ce seigneur protesta contre cette resolution, et inséra dans sa protestation les raisons quy le determinoient à cela. On attend avec impatience le courier d'Edinbourg, pour sçavoir sy on a parlé de l'entretien des troupes; car sy cette affaire est une fois réglée, le Parlement sera incessamment congédié; mais on ne sçait pas trop bien ce qu'on fera, s'ils s'obstinent à ne parler pas des troupes, jusqu'à ce qu'ils ayent la réponse du roy, on doit passer outre. (Correspondance Politique, Angleterre, vol. 211, ff. 23-24.)¹⁴

Jan. 14. Overture for an act decleareing that the companys colony in Darien was a legal and rightful settlement precisely in the terms of the act of Parliament, and that his Majestie and the said Estates will assist and support the said company in the lawfull prosecution of their rights thereto and protect them in the full and free enjoyment thereof, read.

A declaration by Captain Robert Pinkertoun, and James Graham who were prisoners at Carthagera and thereafter brought to old Spain taken upon interrogators put to them by a committie of the directors of the Indian and African Company produced and moved to be read and the same read accordingly;¹⁵ and upon a motion made by his Majesties advocat the same was ordered to ly on the table.

Moved that the consideration of the second part of the resolve first presented yesterday may be again resumed; and that the Parliament proceed to address his Majestie upon the resolve asserting the companys right to the said colony; and a debate ariseing whither an address or an act be most proper in the present circumstances for secureing the companys right and settlement, and the actings of the persons concerned in the prosecution thereof, After reasoning the vote was stated whither an address should be made upon the resolve asserting the companys right to the colony of Caledonia in Darien or an act of Parliament asserting their said right and carried to address upon the said resolve, one hundred and eight, to eighty four.

Before calling of the rolls upon the said vote severall members of Parliament desired that their voteing for the act and dissenting from the address might be marked; and the Duke of Hamilton took instruments thereupon for the reasons read by him in his place and the said eighty four who voted for the act were accordingly marked as dissenting and their names ordered to remain in the records of Parliament. . . .¹⁶ (*A. P. S.*, X. 245-246; Appendix, p. 89.)

Jan. 16. Moved that the names of those who did vote for the address mentioned in the said minuts be recorded in the books of Parliament, and the same ordered accordingly; and the Lord Chancellor moved that albeit he had no opportunity to vote for the said address yet he desired that his name might be recorded with the hundred and eight who voted thereto, and the same agreed to, and his name and the names of the said hundred

¹⁴ Archives des Affaires Étrangères, Paris. Endorsed, "Londres 24 Janvier 1701. Envoyé avec la lettre du Comte de Tallard au Roi du 7 Fevrier 1701". For description of parliamentary reports sent by the French envoys to their government, see Paul Mantoux in *Am. Hist. Rev.*, XII. 244-269.

¹⁵ *Ante*, p. 491, and note 29.

¹⁶ Eighty-four in all.

and eight voters do therefor follow here recorded. . . .¹⁷ (*A. P. S.*, X. 247-248; Appendix, p. 89.)

Jan. 16. Moved that the resolves past in Parliament the tenth of January instant in relation to the addresses votes and proceedings of the Parliament of England and to the Hamburgh memorial and proclamations emitted in the West Indies anent the affair of Caledonia be read, and the same were accordingly read.

Moved that the matter contained in the forsaid three resolves past in Parliament the said tenth day of January instant be laid before his Majestie by way of address, which was agreed to; and an debate ariseing whither the address upon the said three first resolves shall be separat from the address upon the fourth resolve already voted, after reasoning the question was stated separat or not; and carried in the negative. (*Ibid.*, p. 248; Appendix, p. 89.)

Jan. 17. The draught of an address from the Estates of Parliament to his Majestie upon the matter contained in the four resolves past in Parliament upon the tenth and thirteenth dayes of January instant relating to the Indian and African Companys rights and priviledges therein mentioned read, and thereafter read in paragraphs, and after some amendements made the vote was stated approve the address or not; it carried approve, one hundred and one, to sixty one and the tenor of the said address so approven followes.

May it please your Majestie

We your Majesties most faithfull and dutifull subjects the noblemen barons and burgesses assembled in Parliament do in all humility represent that we are very sensible and do and shall ever most heartily acknowledge that God raised up your Majestie in our low and afflicted state to be our great and seasonable deliverer by whom our religion liberties rights and laws were rescued from extream danger and restored into that happy estate and condition wherein we now enjoy them.

Amongst these blessings it was not one of the least that your Majestie for raiseing and improveing the trade of the nation was pleased first in the year I *M* vi c and nynety three to give the royal assent to ane act of Parliament authorizeing societies and companys in general and then by act of Parliament in the year I *M* vi c and ninety five to erect and establish the Company of Scotland tradeing to Africa and the Indies with the powers priviledges liberties and immunities contained in the said act; be vertue and warrand whereof letters patent were also granted for the same effect under the great seal of this your ancient kingdom.

But tho this act and patent did contain nothing save what is agreeable to the law of nations and to the use and custome every where in the like cases yet no sooner were they expedie and the patentees begun to act, than to the great surprize of the said company and of this whole kingdom, the kingdom of England takes the alarme and puts upon us several great and giveous hardships.

As first there was an address made in December I *M* vi c and nynety five by both Houses of the Parliament of that kingdom wherein they

¹⁷ The names are here entered in the original.

compleaned to your Majestie of our said act of Parliament for granting to the said company the priviledges and immunities therein mentioned as likely to bring many prejudices and mischiefs to all your English subjects concerned in the trade or wealth of that nation, and at the same time the House of Commons ordained an inquirie to be made who were the advisers and promoters of our said act of Parliament and thereupon did move and make several prosecutions even against some of the subjects of this Kingdom who did not so much as reside in England and only were acting by vertue and warrand of our said act of Parliament and your Majesties patent whereby our said company was also disappointed and frustrat of the subscriptions of our own countrey men and others in England to the value of about three hundred thousand pound sterling, and farder the House of Lords by another address to your Majestie upon the twelvth of February last persisting in the opposition made against our company and their colony of Caledonia in Darien in the continent of America inforced their address upon the aftermentioned grounds of its being prejudicial to their nation and inconvenient to the trade thereof, and thereupon they did justifie certain proclamations emitted in the year I *M* vi c and ninety nine by the governours of the English plantations against our said company and their colony as agreeable to the above-mentioned address of both Houses of Parliament, alleadgeing that the same did proceed upon the unanimous sense of that kingdom in relation to any settlement we might make in the West Indies, and gave furth their resolution that the settlement of our colony at Darien was inconsistent with the good of the plantation trade of that kingdom.

All which being laid before us by our said company and we haveing fully considered the same we have thereupon most unanimously concluded and past the resolve following *viz.* that the votes and proceedings of the Parliament of England and their address presented to your Majestie in December I *M* vi c and ninety five in relation to our act of Parliament establishing our Indian and African Company and the address of the House of Lords presented to your Majestie in February last were ane undue intermeddleing in the affairs of this kingdom and an invasion upon the soveraignty and independencie of our king and Parliament.

Secondly when the company had sent their deputies to the city of Hamburgh about the moneth of April I *M* vi c and ninety seven to treat with that city and its inhabitants by way of free commerce to joyn with them according to the warrand contained in our forsaid act of Parliament and your Majesties letters patent, these deputies were immediatly upon their arrival opposed by Sir Paul Rycault the English resident in that city and Mr Cresset your Majesties English envoy at the court of Lunenburgh who after they had made several addresses to the senate of that city in prejudice of our company at length gave in to the senate a memorial in your Majesties name as King of Great Britain wherein they represent that your Majestie understanding that the said deputies endeavoured to open to themselves a commerce and trade in these parts by makeing some convention or treaty with that city, had commanded them most expressly to notifie to the senate that if they should enter into such conventions with privat men your subjects who had neither credential letters nor were other-

wayes authorized by your Ma'tie, you would regard such proceedings as an affront to your royal authority and would not fail to resent it, and then taking notice in the same memorial that the inhabitants in that city did without regard to their remonstrances offer to make conventions or treaties with the said deputies who (as they word it) darred even to erect a publick office to receive subscribers; they renew their complaint beseeching the said senate in your Majesties name to remedie effectually this matter, which memorial being complained of by the said company to your Majestie as proceeding upon the supposition that their deputies, vested with their powers sufficiently made known to these ministers, were not instructed with due credentials and also expressly invadeing their rights and priviledges; your Majestie was graciously pleased to signifie to the company once and again by your secretaries that you had given orders to these ministers not to make use of your Majesties name and authority to obstruct the company in the prosecution of their trade with the inhabitants of that city which nevertheless the said English ministers altogether misregarded.

Which being also complained of to us by the company and duely considered by us we have thereupon unanimously concluded and past another resolve in the terms following *viz.* that the memorial presented in your Majesties name as King of Great Britain to the senate of Hamburgh upon the seventh of April I *M vi c* and ninety seven by Sir Paul Rycault then resident in that city and Mr Cresset your Majesties envoy extraordinary at the court of Lunenburgh, were most unwarrantable, containing manifest falshoods and contrary to the law of nations injurious to your Majestie and ane open encroachment upon the sovereignty and independency of this croun and kingdom, the occasions of great losses and disappointments to the said company and of most dangerous consequence to the trade of this nation in all time comeing.

Thirdly your Majesties favour in erecting of the forsaid company haveing been very acceptable to the whole kingdom and drawn in subscribers of all degrees and from all parts and procured a greater advance of money for a stock then was ever made on the like occasion, the council and directors of the company thought good to make some settlement for a plantation, and haveing considered that by the forsaid act of Parliament they were limited in their planting of colonyes either to places not inhabited or to other places with consent of the natives and inhabitants and not possessed by any European prince or state, and haveing likeways upon due information understood that that part of Darien in America where they thereafter fixed was no European possession, they set furth a very considerable equipage both of ships men and provision which arriveing upon that coast in November I *M vi c* and ninety eight the conductors of the colony did not only find the place uninhabited but also treated and agreed with the chief men of the natives near to the place whom they found in an independent and absolute freedom and, being very kindly and friendly by them admitted,¹⁸ our colony took possession and settled upon the most compleat right of a place void and unoccupied and with

¹⁸ *Hist. of Caledonia*, by a Gentleman lately Arriv'd (London, 1699), pp. 21 *et seq.*

the consent of all the neighbouring natives that could have any pretence to it, and thus the company hoped they had made a good settlement and happily prevented others designeing for the same place in such manner as might tend to the advantage of all your Majesties dominions; but when they believed that their matters were thus in a hopefull and prosperous condition they were exceedingly surprised to hear that proclamations had been published by the governours of the English plantations strictly interdicting the said adventurers sent furth by the company and debarring them from all supplies as enemies, and that these proclamations had been execute in these parts with the utmost rigour forbidding our men both wood and water and anchorage and all sorts of provisions even for money, contrary to the very rules of common humanity, and within some weeks thereafter the company was informed that their colony had deserted to the great loss and regrate of the whole nation, and tho they sent out a very considerable second equippage to repossess the place yet the same rigorous execution was still continued against them which proclamations, proceeding as we believe and that from the very stile and variations that may be observed in them, from the errour of the governours mistakeing, as it is like from some cautions given them for prevention and not from direct orders, we are perswaded were not emitted by your Majesties warrand, beside that they were execute with an unheard of rigour and therefor upon a farder complaint of our company in this matter we have most unanimously concluded and past a third resolve in these terms *viz.* that the proclamations in the English plantations in April, May, June, and September I *M vi c* and ninety nine against our Indian and African Company and colony in Caledonia were and are injurious and prejudicial to the rights and liberties of the company and that the execution of these proclamations against the adventurers sent out by the said company was inhumane barbarous and contrary to the law of nations and a great occasion of the loss and ruine of our said colony and settlement of Caledonia.

And we taking to our farder consideration the proceedings of our company in makeing the said settlement and how they have punctually observed the condition of the forsaid act of Parliament and patent in makeing their plantations in no European possession with the exactest caution both to fix in a place void and uninhabited and also with consent of all the neighbouring natives that could have the least shaddow of pretence thereto, and that yet on the other hand the said planters have been treated by the Spaniards first at Carthagenas and then in the very seat of our colony and likeways in old Spain with all insolencies and hostilities not only as enemies but as pirats, we thought it our duty for vindicating and securing our said company and colony from all imputation or charge that hath been or may be brought against them, to pass and conclude with the same unanimity a fourth resolve, *viz.* that our Indian and African Companies colony of Caledonia in Darien in the continent of America was and is legal and rightful and that the settlement was made conform to the act of Parliament and letters patent establishing the said company and that the company in makeing and prosecuteing the said settlement acted warrantably by vertue of the said act of Parliament and patent.

We haveing thus found the forsaid invasions to be manifest encroachments upon the undoubted independency and sovereignty of this your Majesties ancient crown and kingdom and unanimously past the above-mentioned resolves and votes for asserting the rights and priviledges of our said company and also for asserting our companys rights to their forsaid colony of Caledonia we have further thought good to lay the same before your Majestie by this our solemn address.

And therefore do with all humble duty and earnestness beseech your Majestie to take this whole matter to your royall consideratione and to prevent all encroachments for the future that may be made either by your English ministers abroad or any other to the prejudice of this kingdom and our said company or any project of trade that we may lawfully designe, and to assure our said company of your Majesties royal protection in all their just rights and priviledges and to grant them your countenance and concurrence for reparation of their losses especially those great losses and damnaiges that they and their colony have suffered by the injuries and violences of the Spaniards.

And farder we represent to your Majestie that the pressing of our men by the English for their sea service contrare to the natural right and freedom of the subjects of this kingdom ought to be absolutely discharged.

All which we represent to your Majestie with the greater confidence as being most assured that none of your kingdoms and subjects are or can be more dutifully and zealously affected to your Majesties royal person and government than we and the good subjects of this your ancient kingdom are and shall ever continue to testifie by laying out our selves for your Majesties service to the outmost of our power.

Signed in presence by warrand and in name of the Estates of Parliament by, may it please your Majestie, your Majesties most humble most obedient and most faithfull subject and servant

Sic subscribitur

MARCHMONT *Cancellar. I. P. D. P.*

Edinburgh 17 January, 1701.

Before calling of the rolls in the vote by which the forsaid address was approven the Duke of Hamilton and Marquis of Tweeddale did declare that they adhered to their former dissent marked in the minuts of the fourteenth of January instant and of new dissented from this address and thereupon took instruments and they two, with fifty two other members of Parliament of the said number of sixty one formerly mentioned as voteing against approveing of the said address, desired their dissents to be marked and the same ordered to be marked accordingly to remain in the records of Parliament conform whereunto they are set down here as follows. . . .¹⁹ (*A. P. S.*, X. 248-251.)

Jan. 17. Overture for an act that all the temporary priviledges and immunities granted to the company of this kingdom tradeing to Africa and the Indies by the eight act of the fifth session of this current Parlia-

¹⁹ The names are here printed in the *Acts*.

ment be continued to the said company for the space therein mentioned ²⁰ after expiring of the times allowed to them by the said act, read for the first time.

Moved that a clause be added to the said act and overture for ratifying the said former act and letters patent, and the said clause also read. (*Ibid.*; Appendix, p. 90.)

Jan. 20. Draught of the act that all the temporary priviledges and liberties granted to the company of this kingdom tradeing to Africa and the Indies by the eight act of the fifth session of this Parliament be continued to the said company for the space of nine years after expiring of the times allowed them by the said act, and ratifeing the said former act and letters patent, again read, and after some amendments made it was put to the vote approve the act or not and carried approve.

Moved that since the affair of the Indian and African Company is now much over that the matter of the security of the kingdom and forces be taken into consideration. Also moved that the affairs of the said company are not yet fully over, the resolve offered in Parliament the thirteenth of January instant anent the insults of the Spaniards and their invadeing our colony of Caledonia not being yet considered: after debate two states of a vote were proposed. The first whither the matter of the said resolve offered be not sufficiently considered in the address already past, yea or nay, the second approve the resolve offered yea or nay. The question was put whither the first or second shall be the state of the vote and carried the first. Thereafter the vote was stated whither the matter of the resolve offered be not sufficiently considered in the address offered, yea or nay, and carried in the affirmative.

Thereafter a resolve proposed in these terms, that Mr. Cresset his Majesties envoy extraordinary at the court of Lunenburgh, in giving in a memoriall to the senate of Hamburgh the seventh of April 1 *M vi c* and ninety seven invadeing the sovereignty and independency of our King and Parliament, and Mr. Vernon one of the English secretaries of state in sending orders to the respective governours of the English plantations for emitting proclamations in the year 1 *M vi c* and ninety nine so injurious and prejudicial to our Indian and African Company, and colony of Caledonia, and contrary to the law of nations are incendiaries and did what in them lay to creat jealousies and animosities betwixt the two nations, read, and after reasoning thereupon, a vote was proposed proceed to the further consideration of this resolve, yea or nay: proposed by others that the state of the vote be approve of the resolve or reject; and the question being put whither the first or second proposal shall be the state of the vote, it carried the first; thereafter the question was put proceed to the further consideration of this resolve or not, and carried in the negative.

Moved that the Parliament may now proceed to consider the state and security of the kingdom and the forces; also moved that by the resolve of Parliament the affairs of the Indian and African Company must be first over, and the reparation of the losses and damngages which is the

²⁰ Nine years. The text of the act (printed, *A. P. S.*, X. 282) contains nothing more than this provision.

principal part of their petition, has not yet been under consideration and the said petition desired to be read, after reasoning anent the said two motions the farder consideration thereof was delayed till the next dyet of Parliament. (*A. P. S.*, X. 254-255; Appendix, p. 91.)

Jan. 21. Overture proposed in behalfe of the company of Scotland trading to Africa and the Indies that they shall have the rents of the bishopricks not already disposed of to colledges and pious uses and the rents of the post office with the tunnage and poundage for the space of twenty one years for makeing up of their losses *pro tanto*, which overture was read and ordered to lye on the table.

A resolve also proposed in these terms, that all those of the colony of Caledonia who either unwarrantably deserted or basely betrayed and surrendered the settlement and delivered up the Indians our allies to the Spaniards are guilty of high crimes and ought to be prosecute for the same as soon as they can be apprehended, and that such worthy persons as behaved honourably and faithfully in that undertakeing and particularly the persons therein named be rewarded for the encouragement of others to serve the interest of their countrey faithfully in time to come, read and ordered to ly on the table. (*Ibid.*, p. 257; Appendix, p. 92.)

Jan. 31. The acts following *viz.* . . . Act in favors of the African and Indian Company . . . were all touched by his Majesties High Commissioner with the scepter in the usual manner . . . (*Ibid.*, p. 272; Appendix, p. 99.)

Feb. 1. Moved that it be recommended to the secretaries of state to present the address from the Estates of Parliament to his Majestie anent the business of the Indian Company and their colony of Caledonia, and the same agried to. (*Ibid.*, p. 339; Appendix, p. 105.)

Session of June 9-30, 1702 (1 Ann.).

1702.

June 11. Her Majesties most gracious letter to the Parliament presented by her Majesties High Commissioner in answer to the address from the Parliam't in relation to the Company Tradeing to Affrica and the Indies . . . read and ordered to be printed and recorded, and the drawing of an answer thereto remitted to the committie to be named.¹ . . . of which letter now read the tenor follows.

Sic suprascribitur ANNE R.

My Lords and Gentlemen

The address you made in the last session of Parliament to our decest royal brother King William of ever blessed memory was presented to

¹ The Duke of Argyle, Francis Montgomery, and Sir Hugh Dalrymple. But the outbreak of war kept the Darien Company in the background for the remainder of this session. Though the Caledonia enterprise was at an end, the Eastern designs of the company, to break the monopoly of the English East India Co., survived, and in the negotiations concerning the union of the crowns the Scottish commissioners proposed recognition of the company's rights and privileges. For commercial and economic reasons this seemed impossible, and in 1707 the affairs of the company were settled by some compensation to the proprietors for their stock. Scott, *Joint-Stock Companies*, II. 223-227.

him by our right trusty and right entirely beloved cousin and counsellour James Duke of Queensberry our Commissioner and our two secretaries of state for that our ancient kingdom, and his Majestie designed to have returned an answer thereto at your first meeting; in which no doubt he would have fully signified his good intentions for that our kingdom and for the encouragement and satisfaction of the Company tradeing to Affrica and the Indies; but he being prevented by death our Commissioner and secretaries have presented your address to us which we have had fully under our consideration.

We do heartily regrave the great losses and disappointment which the Company tradeing to Affrica and the Indies have sustained in the carrying on and prosecuting their designs in settleing of a colony in America which has been also a great prejudice and loss to the whole kingdom: and therefore we shall chearfully concurr in any thing that can reasonably be proposed for their reparation and assistance nor shall they want our countenance and protection in all their just designs and concerns and we shall ever endeavour to promote the trade not only of that company but of the whole nation. (*A. P. S.*, XI. 13-14.)

PARLIAMENTS OF IRELAND.

PARLIAMENT OF OCTOBER 5, 1692—JUNE 26, 1693.

*Session of October 5–November 3, 1692 (4 Gul. et Mar.).*¹

1692.

Oct. 18, HC. Mr. Serjeant Osborne reported from the committee, to whom it was referred to inquire and examine what laws have been made in England, since the 10th year of Henry VII. which may be beneficial for this kingdom . . . that they had come to several resolutions thereupon, which he read in his place, and then delivered in at the clerk's table, where the same being read. . . .

Resolved, that this House doth agree with the said committee in this resolution, that an act, made in England, *anno 19 Caroli II.* intituled, An act for redress of inconveniencies by want of proofs of the deceases of persons beyond the seas, or absenting themselves, on whose lives estates do depend,² is fit to be made of force in this kingdom, with such alterations as may make it practicable in this kingdom. . . .

Resolved, that this House doth agree with the said committee in this resolution, that an act, made in England, *anno 31 Caroli II.* intituled, An act for the better securing of the liberty of the subject, and for prevention of imprisonment beyond the seas,³ is fit to be made of force in this kingdom, with such alterations, as may make it practicable in this kingdom; and that one alteration be, that there be a proviso annexed to the above act, that no person or persons shall have the benefit of the same, unless they take the oaths, and subscribe the declaration, mentioned in a late act of Parliament, made in England for this kingdom, intituled, An act for abrogating the oath of supremacy in Ireland, and appointing other oaths.⁴ . . . (*Journals of the House of Commons of the Kingdom of Ireland, II. 19.*)⁵

¹ There had been no session of the Irish Parliament since Aug. 7, 1666. This was the only session of this Parliament.

² C. II. See vol. I., p. 333.

³ C. 2 (*ibid.*, p. 417).

⁴ 3 Gul. et Mar. c. 2 (*Statutes*, VI. 254).

⁵ Hereafter, *I. C. J.* The volumes of the Dublin edition of 1796, here used, are sometimes printed and bound in two parts, the second part being in the nature of an appendix, containing reports, estimates, etc. The word "Appendix" will be used to indicate this source, rather than reference to Part II.

PARLIAMENT OF AUGUST 27, 1695–JUNE 14, 1699.

*Session of August 27, 1695–December 3, 1697 (7-9 Gul. III.).*¹

1695.

Sept. 4, HL.² Ordered, that the bill, intituled, An act for redress of inconveniencies for want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, be read the first time.³

Read accordingly (*Journals of the House of Lords*, I. 490.)⁴

Sept. 9, HL. Ordered, that the bill, intituled, An act for redress of inconveniencies, for want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives, estates do depend, be read a second time.

Read accordingly.

Ordered, that the bill, intituled, An act for redress of inconveniencies for want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives, estates do depend, be committed to a committee of the whole House, to inspect the said bill, and compare the same with the transmission under the great seal of England, who are to meet to-morrow morning, at ten of the clock. (*Ibid.*, p. 497.)

Sept. 10, HL. The Earl of Meath, standing at the clerk's table, reports from the committee of the whole House, to whom the bill, intituled, An act for redress of inconveniencies for want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives, estates do depend, was committed, have met, and examined the same with the transmission under the great seal of England, with which it exactly agrees, and have gone through the same without any amendment; and then the said bill was ordered to be ingrossed.

Ordered, on motion, that the ingrossed bill . . . be read a third time.

Read accordingly.

Resolved, on the question, *nemine contradicente*, that the ingrossed bill . . . pass into a law. . . .

Ordered, that the ingrossed bill . . . be sent to the House of Commons by Sir John Jeffreyson, knight, one of the justices of his Majesty's Court of Common-Pleas, and Thomas Coote, esq; one of the justices of

¹ The *Irish Statutes at Large* (Dublin, 1786), renumbers the chapters of the laws passed with the beginning of a new regnal year.

² Misprinted November in *Journals*.

³ 7 Gul. III. c. 8 (*Irish Statutes at Large*, III. 273), applying to Ireland the provisions of 18 and 19 Car. II. c. 11 (vol. I. of this series, p. 333), *viz.*, that *cestui que vie* remaining beyond the seas for seven years, with no proof of their being alive, were to be accounted as dead in all actions brought for the recovery of estates by the reversioners.

⁴ Dublin, 1779; hereafter, *I. L. J.*

his Majesty's Court of King's-Bench, and acquaint them, that this House hath passed the bill, and desire their concurrence.⁵ (*I. L. J.*, I. 498.)

Sept. 10, HC. Mr. Weaver, senior, reported from the committee appointed to inspect the laws in force in England, since the 10th of Henry VII. and not in force in this kingdom, and to prepare heads of such new laws as they think necessary to be enacted here, that the said committee had come to several resolutions, which he read in his place, and after delivered in at the table, and are as followeth, *viz.*

Resolved, that it is the opinion of this committee, that an act made in England, 31 *Caroli 2di*, intituled, An act for the better securing of the liberty of the subject, and for prevention of imprisonment beyond the seas,⁶ is fit to be of force in this kingdom, with such alterations, as may make it practicable here.

To all which resolutions, the question being severally put, the House did agree. (*I. C. J.*, II. 56.)⁷

Sept. 14, HC. An ingrossed bill from the Lords, intituled, An act for redress of inconveniencies, for want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, was read the first time.

Ordered, that the same be read a second time on Monday morning next. (*Ibid.*, p. 60.)

Sept. 27, HC. Mr. Chancellor of the Exchequer⁸ also delivered in at the table from the said committee, heads of another bill for the better securing of the liberty of the subject, and for prevention of imprisonment beyond the seas.

Ordered, that such members of this House, as are of his Majesty's most honourable Privy Council, do attend his excellency the Lord Deputy⁹ this afternoon, humbly to desire his excellency will appoint some time when his excellency will be attended with the heads of the said bills, in order to have the same drawn into acts by the Privy Council here, in order to their transmission into England in form; and to report his excellency's answer to-morrow morning. (*Ibid.*, pp. 73-74.)

Oct. 4, HC. An engrossed bill from the Lords, intituled, An act for redress of inconveniencies for want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, was read a second time, and ordered to be read a third time to-morrow morning. (*Ibid.*, p. 80.)

⁵ *I. C. J.*, II. 56. It was then ordered that the bill lie on the table.

⁶ *Ante*, p. 517, note 3. Sept. 13, this committee offered a proviso (which was rejected), restricting the benefits of this act to those subscribing to the declaration mentioned in the English act for abrogating the oaths of supremacy in Ireland and appointing other oaths. *I. C. J.*, II. 59.

⁷ Sept. 12, certain merchants of the city of Waterford complained of exactions on shipping made by Sir James Jeffereys, governor of Duncannon Fort. Particularly, he "detained a vessell called the *Pellican*, of London, forty-eight hours, laden, bound with others for Newfoundland, by which means she lost their company, who made their voyage; but the said *Pellican* soon after getting out of the said Sir James's hands, was taken by a French privateer, to the petitioners loss of 1000*l.*" The committee appointed to examine into the matter found the governor not guilty of taking any fees to which he was not entitled. *Ibid.*, pp. 58, 91.

⁸ Philip Savage, to 1717. He was reporting from the committee on new laws.

⁹ Henry Lord Capel.

Oct. 7, HC. An ingrossed bill from the Lords, intituled, An act for redressing inconveniencies for want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, was read a third time, and passed.

Ordered, that Captain Chichester acquaint the Lords that this House hath passed the said bill, without any amendments.¹⁰ (*Ibid.*, p. 82.)

Oct. 18, HC. Mr. Thomas Brodrick reported from the committee appointed to consider further of ways and means for raising the supply granted to his Majesty, that they had come to a resolution, which he read in his place, and after delivered in at the table, and is as followeth:

Resolved, that it is the opinion of this committee, that a further duty be laid on tobacco;

To which resolution the House did agree, *nemine contradicente*. (*Ibid.*, p. 97.)

Oct. 19, HC. Then the House, according to order, resolved itself into a committee of the whole House, to consider of further ways and means for raising the supply granted to his Majesty.

Mr. Thomas Brodrick reported from the said committee, that they had come to several resolutions, which they ordered him to report to the House, and to move for leave to sit again.

Resolved, that it is the opinion of this committee, that an additional duty of one penny halfpenny per poundweight be laid on all tobacco imported into this kingdom, over and above the sum of twopence halfpenny already imposed thereon by law.

Resolved, that it is the opinion of this committee, that the said additional duty of one penny halfpenny per pound do continue until the 25th of December, 1699.

Resolved, that it is the opinion of this committee, that the said additional duty do commence from the time of the royal assent given to this act.

To all which resolutions, the question being severally put, the House did agree.

Ordered, that such members of this House as are of his Majesty's most honourable Privy Council, do attend his excellency the Lord Deputy with the said resolutions and heads of a bill, and humbly desire his lordship, that a bill may be drawn up in form, pursuant thereto, and transmitted into England.

Ordered, that it be an instruction to the said committee humbly to desire his excellency, that a clause be inserted in the said bill to explain the duty on tobacco, so that the former duty on tobacco and this additional duty be fourpence per pound, and no more.

That it be a further instruction to them, to desire a clause to be inserted in the said act, that the merchants have the same time for payment of the said additional duties which they had for the former duties. (*Ibid.*, p. 99.)

Nov. 30, HC. Mr. Thomas Brodrick presented to the House a bill, intituled, An act for granting unto his Majesty an aid, or additional custom

¹⁰ *I. L. J.*, I. 521. The royal assent was given Oct. 22. *Ibid.*, p. 537; *I. C. J.*, II. 105.

on the several goods and merchandizes therein mentioned, which was received, and read the first time.¹¹

Ordered, *nemine contradicente*, that the said bill be read a second time on Monday morning next. (*I. C. J.*, II. 127.)

Dec. 2, HC. Mr. Thomas Brodrick presented to the House a bill, intituled, An act for granting a supply to his Majesty, by raising money by a poll and otherwise, which was received and read the first time.¹²

Ordered, *nemine contradicente*, that the said bill be read a second time to-morrow morning. (*Ibid.*, p. 128.)

Dec. 2, HC. A bill, intituled, An act for granting to his Majesty an aid, or additional custom on the several goods and merchandizes therein mentioned, was read a second time.

Ordered, that the said bill be engrossed. (*Ibid.*, p. 129.)

Dec. 3, HC. A bill, intituled, An act for granting to his Majesty an aid, or additional custom on the several goods and merchandizes therein mentioned, was read a third time, and passed, *nemine contradicente*.

Ordered, that Mr. Thomas Brodrick do carry up the said bill to the Lords, and acquaint them, that this House hath passed the same, and desire their Lordships concurrence.¹³ (*Ibid.*)

Dec. 3, HL. Ordered, on motion, that the ingrossed bill, sent up by the Commons, intituled, An act for granting unto his Majesty an aid or additional custom on the several goods and merchandizes therein mentioned, be read the first time.

Read accordingly.

Ordered, on motion, that the ingrossed bill . . . be read the second time.

Read accordingly.

Ordered, on motion, that the ingrossed bill . . . be committed to the same committee as the bill, intituled, An act for granting tales on trials, to be had in the court of the county-palatine of Tipperary . . . is committed. (*I. L. J.*, I. 564.)

Dec. 4, HL. The Earl of Longford, standing at the clerk's table, reports, that the committee, to whom the ingrossed bill, sent up by the Commons, intituled, An act for granting unto his Majesty an aid or additional custom, on the several goods and merchandizes therein mentioned, was committed, that they met and compared the said bill with the transmiss, under the great seal of England, with which it does exactly agree, and have gone through the same, without any amendment.

Ordered, that the ingrossed bill . . . be read a third time.

Read accordingly.

¹¹ 7 Gul. III. c. 16 (*Irish Statutes at Large*, III. 312). This act contained provisions for new rates on tobacco, as agreed in the resolutions of Oct. 19, *ante*.

¹² 7 Gul. III. c. 15 (*ibid.*, p. 289). Every baronet of England, Scotland, Ireland, or of Nova Scotia, residing in Ireland or having any estate therein, was assessed £15 sterling. It was read the second time Dec. 3, and passed Dec. 4. It was read by the Lords on Dec. 5, and passed on the next day. The royal assent was given Dec. 7. (*I. C. J.*, II. 129, 130, 134, 137; *I. L. J.*, I. 566, 567, 568, 573, 577.) The poll act of 1697 contained a similar provision. 9 Gul. III. c. 8 (*Irish Statutes at Large*, III. 375).

¹³ *I. L. J.*, I. 564.

Resolved, on the question, *nem. con.* that the ingrossed bill do pass into a law.

Ordered, that the ingrossed bill be sent to the House of Commons, by the Lord Chief Justice of his Majesty's Court of Common-Pleas,¹⁴ and Sir Richard Cox, knight, one of his Majesty's justices of the said court, who are to acquaint them, that this House have passed the said bill, without any amendment. (*Ibid.*, pp. 564-565.)

1697.

Sept. 11, HC. Mr. Solicitor General¹⁵ reported, that, pursuant to the order of this House, he had prepared

Heads of a bill for an additional duty on tobacco, and other goods; which he presented to the House.

Ordered, that the said heads of bills be read on Monday morning next. (*I. C. J.*, II. 194.)

Sept. 13, HC. The heads of a bill also for granting an additional duty on tobacco, and for continuing unto his Majesty an aid for an additional custom on several goods and merchandizes was also read, and agreed to by the House, with some amendments.

Ordered, that Mr. Solicitor General do attend their excellencies the Lords Justices with the heads of the said bills, and humbly desire the same may be put into form, and transmitted into England. (*Ibid.*, p. 195.)

Nov. 9, HC. A bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid, or additional custom on several goods and merchandizes till the 25th day of December, 1702, was presented to the House, and read the first time, and ordered to be read a second time on Friday morning next.¹⁶ (*Ibid.*, p. 212.)

Nov. 12, HC. A bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid, or additional custom on several goods and merchandizes till the 25th of December, 1702, was read a second time, and committed to a committee of the whole House to-morrow.¹⁷ (*Ibid.*, p. 214.)

Nov. 15, HC. Then the House, according to the order for the day, resolved itself into a committee of the whole House to take into consideration a bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid or additional custom on several goods and merchandizes till the 25th of December 1702; and after some time spent therein, Mr. Speaker resumed the chair.

¹⁴ Sir John Hely. The royal assent to this bill was received Dec. 7. *Ibid.*, p. 577; *I. C. J.*, II. 130, 137.

¹⁵ Alan Brodrick, afterwards Viscount Midleton, solicitor general 1695-1703.

¹⁶ From Oct. 25, 1695, to June 24, 1697, the additional duty on tobacco granted to the king amounted to £16,882 9s. 5¾d. (*I. C. J.*, II., Appendix, p. xxxi). By this act an additional duty of 1d. per lb., until Dec. 25, 1699, was imposed. At the same time the former duty of 2½d. levied by 7 Gul. III. c. 16, was continued to Dec. 25, 1702. 9 Gul. III. c. 4 (*Irish Statutes at Large*, III. 353).

¹⁷ Postponed until Monday, Nov. 15. *I. C. J.*, II. 215-216.

Mr. Solicitor General reported from the said committee, that they had gone through the said bill, and that he was ready to report the same when the House will be pleased to receive it.

Ordered, that the said report be made to-morrow morning. (*I. C. J.*, II. 216-217.)

Nov. 16, HC. Mr. Solicitor General, according to order, reported from the committee of the whole House to whom it was referred to take into consideration the bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid, or additional custom on several goods and merchandizes . . . till the 25th of December, 1702, that they had gone through the said bill, and agreed thereto, without any amendment.

Ordered, that the said bill be engrossed. (*Ibid.*, p. 217.)

Nov. 17, HC. An engrossed bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid or additional custom on several goods and merchandizes . . . till the 25th of December, 1702, was read a third time.

Resolved, that the said bill do pass.

Ordered, that Mr. Solicitor General do carry the said bill to the Lords, and acquaint them, that this House had passed the same, and desires their concurrence therein. (*Ibid.*, p. 218.)

Nov. 17, HL. The Lord Chancellor,¹⁸ as Speaker, reports, that the Commons, by Mr. Solicitor-General, sent up an ingrossed bill, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty, an aid or additional custom on several goods and merchandizes . . . till the 25th day of December, 1702.

Ordered, on motion, that the ingrossed bill, sent up by the Commons . . . be read the first time.

Read accordingly.

Ordered, on motion, that the ingrossed bill, sent up by the Commons . . . be read a second time to-morrow morning. (*I. L. J.*, I. 651.)

Nov. 18, HL. Ordered, pursuant to the order of the day, that the ingrossed bill, sent up by the Commons, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty, an aid or additional custom on several goods and merchandizes . . . till the 25th day of December, 1702, be read a second time.

Read accordingly; and then, according to custom, is opened by the Lord Chancellor.

Ordered, on motion, that the ingrossed bill, sent up by the Commons . . . be, and is hereby, committed; and that the Lords after-named, or any three of them, be a committee to inspect the said bill, and compare the same with the transmiss, under the great seal of England; and have power to send for persons, papers and records, in order to their proceeding thereon; and that this committee do meet in the committee-chamber immediately.

¹⁸ John Methuen, 1697-1702.

Lord Archbp of Dublin, Earl of Drogheda, Earl of Mount Alexander, Lord Visc. Massareene, Lord Visc. Powerscourt, Lord Visc. Mountjoy, Lord Bishop of Derry, Lord Bishop of Clonfert, Lord Bishop of Killala, Lord Bishop of Clogher, Lord Bishop of Killaloe, Lord Baron of Strabane. (*Ibid.*, p. 652.)

Nov. 18, HL. The Lord Bishop of Clonfert,¹⁹ standing at the clerk's table, reports from the committee, to whom the ingrossed bill, sent up by the Commons, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid or additional custom on several goods and merchandizes . . . till the 25th day of December, 1702, was committed; that they met, and compared the same with the transmiss, under the great seal of England, with which it does exactly agree, and have gone through the same, without any amendment.

Ordered, on motion, that the ingrossed bill, sent up by the Commons . . . be read a third time to-morrow morning. (*Ibid.*, p. 653.)

Nov. 19, HL. Ordered, pursuant to the order of the day, that the ingrossed bill, sent up by the Commons, intituled, An act for granting an additional duty on tobacco, and for continuing unto his Majesty an aid or additional custom on several goods and merchandizes . . . till the 25th day of December, 1702, be read a third time.

Read accordingly.

Resolved, on the question, *nem. con.* that the ingrossed bill, sent up by the Commons . . . do pass into a law.

Ordered, on motion, that a message be sent to the House of Commons, by Robert Doyne, esq; Lord Chief Baron of his Majesty's Court of Exchequer, and Sir Henry Echlin, knight, one of the barons of the said court, who are to acquaint them, that this House have agreed to the ingrossed bill, sent up by their House . . . without any amendment.²⁰ (*Ibid.*, pp. 653-654.)

Session of September 27, 1698–January 26, 1698/9 (10 Gul. III.).

1698.

Oct. 4, HC. Ordered, that leave be given to bring in heads of a bill for the preservation of the liberty of the subject; and that Mr. Chancellor of the Exchequer, Mr. Francis Annesley, etc. or any five of them, be appointed a committee, to meet at the Speaker's Chamber to-morrow, at five of the clock in the afternoon, to prepare the same: that they have power to adjourn from time to time, and place to place, as they shall think fit, and report their proceedings to the House; and all that come have voices.¹ (*I. C. J.*, II. 244.)

¹⁹ William Fitzgerald.

²⁰ The royal assent was given this same day.

¹ In this and succeeding sessions attempts were made to pass such a bill, applying to Ireland 31 Car. c. 2 (see vol. I., p. 417). The committee here named presented heads of a bill to be transmitted to England for approval, according to Poyning's law, but the bill was not presented to Parliament.

Oct. 25, HC. Then the House, according to the order for the day, resolved itself into a committee of the whole House to take into consideration the heads of a bill for the better securing of the liberty of the subject, and for prevention of imprisonment beyond the seas; and after some time spent therein

Sir John Hanmer reported from the said committee, that they had gone through the heads of the said bill, which he was directed to report when the House will please to receive the same.

Ordered, that the said report be made on Thursday morning next. (*I. C. J.*, II. 255-256.)

Oct. 27, HC. Sir John Hanmer reported from the committee of the whole House appointed to take into consideration the heads of a bill for securing the liberty of the subject, and for prevention of imprisonment beyond the seas, that they had gone through the said heads of a bill, and agreed to the same.

Ordered, that Sir John Hanmer do present the said heads of a bill to their excellencies the Lords Justices, and desire their Lordships, that the same may be drawn into form, and transmitted into England. (*Ibid.*, p. 256.)²

Nov. 26, HC. A petition of the master and wardens of the corporation of coopers, in Dublin, in behalf of themselves and the rest of the brethren of the said corporation, was presented to the House and read, setting forth, that all sorts of staves for casks are of late years grown so scarce in this kingdom, that in these eleven or twelve years last past, they have risen to near double the rates formerly paid for them, occasioned (as the petitioners humbly conceive) by the late great destruction of timber of all sorts here, and the great duty on foreign staves, which discourages the importation thereof; whereas if the bringing them in from abroad was encouraged, the kingdom would be plentifully supplied not only from Hamburgh and Dantzick, but even from Virginia, whence they would be brought by stowage between the tobacco casks, and to fill up the vessels when forced to return without their full loadings of tobacco, as they frequently do; and of what consequence this is for support of the trade of the kingdom, consisting so much in the export of the staple commodities thereof in casks, is humbly submitted to the consideration of the House: and therefore humbly praying such provision may be made for supply of staves for casks as shall be thought fit.

Ordered, that the said petition do lie on the table. (*Ibid.*, p. 278.)

Dec. 2, HC. Mr. Charleton presented to the House, and delivered in at the table, an accompt of tobacco landed in Ireland in seven years last past

² Nov. 7, Capt. Joseph Embree, of Captain Foulke's regiment, complained to the Commons that when the regiment was ordered to the West Indies, a discharge was extorted from him by the deputy agent, without producing vouchers for his account. The committee appointed to examine into the charge, reported Dec. 1, that in their opinion the petitioner had not made out his allegations. *I. C. J.*, II. 262, 282-283.

Tobacco landed in Ireland in the following Yeares, viz.

	£	s.	d.
1691 2,708,966, att 1 d. per pound	10,158	12	5
1692 3,962,132, att do.	14,857	19	11
1693 1,640,936	6,153	10	3
1694 2,772,524	11,041	3	5
1695 3,210,380, att do.	12,038	18	7 ³
1696 2,161,178, att do.	8,104	8	3
1697 3,098,737, att do.	11,620	5	3
	7) 73,974	18	1
	10,567	..	..

(*Ibid.*, p. 284; Appendix, p. xev.)

Dec. 3, HC. Mr. Solicitor General, according to order, reported from the committee of the whole House appointed to consider further of ways and means for raising the supply to be granted to his Majesty . . . the several resolutions they were come to in the matters to them referred, which he read in his place, and after delivered in at the table, where the same were read again, and are as follow. . . .

Resolved, that it is the opinion of this committee, that all the additional duties on tobacco be further continued from the 25th of December, 1702, to the 24th of June, 1703.

To which resolution, the question being put, the House did agree.

Ordered, that Mr. Solicitor General do carry the said resolutions of this House to their excellencies the Lords Justices, and humbly desire that their Lordships will please to order that the same may be put into form, and transmitted into England, according to Poyning's Law.⁴ (*Ibid.*, p. 285.)

1698/9.

Jan. 11, HC. A bill, intituled, An act to compleat the supply to his Majesty, and to build and finish the barracks in this kingdom, according to order, was read the first time, and ordered to be read a second time on Friday morning next.⁵ (*Ibid.*, p. 293.)

Jan. 13, HC. A bill, intituled, An act to compleat the supply to his Majesty . . . according to order, was read a second time, and committed to a committee of the whole House on Monday next. (*Ibid.*, p. 295.)

Jan. 16, HC. Then the House, according to the order for the day, resolved itself into a committee of the whole House to take into consideration a bill, intituled, An act to compleat the supply granted to his Majesty . . . and, after some time spent therein . . .

³ A marginal note here calls attention to the additional duty, begun in November.

⁴ A message was then directed to the Lords Justices that £3000, paid out of this additional duty on tobacco, be given to Trinity College, Dublin, for improvements. *Ibid.*, pp. 285, 304.

⁵ 10 Gul. III. c. 4 (*Irish Statutes at Large*, III, 471). This act levied an additional penny per lb. on tobacco imported from Dec. 24, 1698, to Dec. 25, 1702, and continued to June 24, 1703, the former additional duty of 3½ d. (see resolution of Dec. 3, *ante*).

Mr. Solicitor General reported from the said committee, that they had gone through the said bill, which he was directed to report when the House will please to receive the same.

Ordered, that the said report be made on Wednesday next. (*I. C. J.*, II. 297.)

Jan. 18, HC. Mr. Solicitor General, according to order, reported from the committee of the whole House appointed to take into consideration a bill, intituled, An act to compleat the supply to his Majesty that they had gone through the said bill, and agreed thereto, without any amendment.

Ordered, that the consideration of the said report be adjourned till to-morrow morning, at twelve of the clock, and nothing to intervene. (*Ibid.*, p. 300.)

Jan. 19, HC. Then the House, according to the order for the day, proceeded to the consideration of a report from the committee of the whole House appointed to take into consideration a bill, intituled, An act to compleat the supply to his Majesty and the resolution of the said committee was read, and agreed to by the House.

Ordered, that the said bill be engrossed. (*Ibid.*, p. 301.)

Jan. 21, HC. An engrossed bill, intituled, An act to compleat the supply to his Majesty was read a third time.

Resolved, that the bill do pass.

Ordered, that Mr. Solicitor General do carry the said bill to the Lords, and acquaint them, that this House hath passed the same, and desires their concurrence thereunto. (*Ibid.*, p. 304.)

Jan. 23, HL. Ordered, on motion, that the ingrossed bill, sent up by the Commons, intituled, An act to complete the supply to his Majesty be read the first time.

Read accordingly.

Ordered, on motion, that the ingrossed bill be read a second time to-morrow morning. (*I. L. J.*, I. 748.)

Jan. 24, HL. Ordered, pursuant to the order of the day, that the ingrossed bill, sent up by the Commons, intituled, An act to complete the supply to his Majesty be read a second time.

Read accordingly; and then, according to custom, is opened by the Lord Chancellor.

Ordered, on motion, that the ingrossed bill be and is hereby committed to the same committee, to whom the ingrossed bill, intituled, An act for raising £120,000 on all lands, tenements, and hereditaments in this kingdom, was committed, who are to meet in the committee-chamber to-morrow morning, at nine of the clock. (*Ibid.*, p. 749.)

Jan. 25, HL. The Earl of Meath, standing at the clerk's table, reports from the committee, to whom the ingrossed bill, sent up by the Commons, intituled, An act to complete the supply to his Majesty was committed; that they met, and compared the same with the transmiss, under the great seal of England, with which it does exactly agree, and have gone through the same, without any amendment. (*Ibid.*, p. 750.)

Jan. 26, HL. Ordered, on motion, that the ingrossed bill, sent up by the Commons, intituled, An act to complete the supply to his Majesty be read a third time.

Read accordingly.

Resolved, on the question, *nem. con.* that the ingrossed bill do pass into a law.⁶ (*Ibid.*, p. 751.)

⁶ The usual message of concurrence was sent to the Commons, and the bill received the royal assent this same day. Parliament was prorogued to May 30, then to Sept. 28, but before the time of meeting, was dissolved. The next Parliament met Sept. 21, 1703.

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Bibliographical references are entered but once usually; they refer to the first mention of the work or collection cited. Because of doubt as to which is meant, several persons are sometimes grouped under one title.

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